heads thereof transferred to Secretary of Housing and Urban Development by Pub. L. 89–174, §5(a), Sept. 9, 1965, 79 Stat. 669, which is classified to section 3534(a) of this title. Section 9(c) of such act, set out as a note under section 3531 of this title, provides that references to Housing and Home Finance Agency or to any agency or officer therein are to be deemed to mean Secretary of Housing and Urban Development and that Housing and Home Finance Agency and Public Housing Administration have lapsed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4016, 4017 of this title.

§§ 2415 to 2421. Repealed. Pub. L. 90–448, title XIII, § 1303(c), Aug. 1, 1968, 82 Stat. 573

Section 2415, act Aug. 7, 1956, ch. 1025, §16, 70 Stat. 1085, authorized appointment of an advisory committee.

Section 2416, act Aug. 7, 1956, ch. 1025, §17, 70 Stat. 1085, provided for studies.

Section 2417, act Aug. 7, 1956, ch. 1025, §18, 70 Stat. 1085, prescribed additional functions of the Administrator.

Section 2418, act Aug. 7, 1956, ch. 1025, §19, 70 Stat. 1086, reserved rights in acquired real estate.

Section 2419, act Aug. 7, 1956, ch. 1025, §20, 70 Stat. 1086, related to exemption of real estate from taxation.

Section 2420, act Aug. 7, 1956, ch. 1025, §21, 70 Stat. 1086, provided for annual reports.

Section 2421, act Aug. 7, 1956, ch. 1025, §22, 70 Stat. 1086, defined terms used in this chapter.

See section 4001 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 120 days following Aug. 1, 1968, or such later date prescribed by the Secretary but in no event more than 180 days following Aug. 1, 1968, see section 1377 of Pub. L. 90–448, set out as an Effective Date note under section 4001 of this title.

CHAPTER 26—NATIONAL SPACE PROGRAM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 41 section 421.

SUBCHAPTER I—GENERAL PROVISIONS

§ 2451. Congressional declaration of policy and purpose

(a) Devotion of space activities to peaceful purposes for benefit of all mankind

The Congress declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

(b) Aeronautical and space activities for welfare and security of United States; control by civilian agency; exceptions

The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President in conformity with section 2471(e) of this title.

(c) Commercial use of space

The Congress declares that the general welfare of the United States requires that the National Aeronautics and Space Administration (as established by subchapter II of this chapter) seek and encourage, to the maximum extent possible, the fullest commercial use of space.

(d) Objectives of aeronautical and space activities

The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space;

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof;

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment; and

(9) The preservation of the United States preeminent position in aeronautics and space through research and technology development related to associated manufacturing processes.

(e) Ground propulsion systems research and development

The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward ground propulsion systems research and development. Such development shall be conducted so as to contribute to the objectives of developing energy and petroleum-conserving ground propulsion systems, and of minimizing the environmental degradation caused by such systems.

(f) Development of advanced automobile propulsion systems

The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward the development of advanced automobile propulsion systems. Such development shall be conducted so as to contribute to the achievement of the purposes set forth in section 2701(b) of title 15.

(g) Bioengineering research, development, and demonstration programs

The Congress declares that the general welfare of the United States requires that the unique competence of the National Aeronautics and Space Administration in science and engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability.

(h) Purpose of chapter

It is the purpose of this chapter to carry out and effectuate the policies declared in subsections (a), (b), (c), (d), (e), (f), and (g) of this section.

(Pub. L. 85–568, title I, § 102, July 29, 1958, 72 Stat. 426; Pub. L. 94–413, § 15(a), (b), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95–238, title III, § 311, Feb. 25, 1978, 92 Stat. 83; Pub. L. 95–401, § 7, Sept. 30, 1978, 92 Stat. 860; Pub. L. 98–361, title I, § 110, July 16, 1984, 98 Stat. 426; Pub. L. 100–685, title II, § 214, Nov. 17, 1988, 102 Stat. 4093.)

REFERENCES IN TEXT

Section 2471 of this title, referred to in subsec. (b), was omitted from the Code.

This chapter, referred to in subsec. (h), was in the original ''this Act'', meaning Pub. L. 85–568, July 29, 1958, 72 Stat. 426, as amended. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

1988—Subsec. (d)(9). Pub. L. 100–685, which directed the amendment of subsec. (c) by adding par. (9), was ex-

ecuted to subsec. (d) to reflect the probable intent of Congress and the redesignation of former subsec. (c) as (d) by Pub. L. 98–361.

1984—Subsec. (c). Pub. L. 98–361, § 110(a)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d). Pub. L. 98–361, § 110(a)(2), redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 98–361, § 110(b), inserted ''of the Earth''.

Subsecs. (e) to (g). Pub. L. 98–361, § 110(a)(2), redesignated former subsecs. (d) to (f) as (e) to (g), respectively. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 98–361, § 110(a)(2), redesignated former subsec. (g) as (h).

Pub. L. 98–361, § 110(a)(1), inserted reference to subsec. (g) of this section.

1978—Subsec. (e). Pub. L. 95–238, § 311(a), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 95–401, § 7(a), added subsec. (f). Former subsec. (f) redesignated (g).

Pub. L. 95–238, § 311(a), (b), redesignated former subsec. (e) as (f) and inserted reference to subsec. (e).

Subsec. (g). Pub. L. 95–401, § 7, redesignated former subsec. (f) as (g) and substituted ''(e), and (f)'' for ''and (e)''.

1976—Subsecs. (d), (e). Pub. L. 94–413 added subsec. (d), redesignated former subsec. (d) as (e) and substituted ''(c), and (d)'' for ''and (c)''.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–611, title II, § 201, Nov. 16, 1990, 104 Stat. 3205, provided that: ''This title [enacting sections 2465b to 2465f of this title] may be cited as the 'Launch Services Purchase Act of 1990'.''

SHORT TITLE

Section 101 of Pub. L. 85–568 provided that: ''This Act [enacting this chapter and section 799 of Title 18, Crimes and Criminal Procedure, amending section 22–1 of former Title 5, Executive Departments and Government Officers and Employees (which was repealed and reenacted in pertinent part as sections 7531 and 7532 of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 514), sections 2302 and 2303 of Title 10, Armed Forces, section 1114 of Title 18, sections 511, 512, 513, and 515 of Title 50, War and National Defense, and enacting provisions set out as notes under section 2472 of this title and section 2302 of Title 10] may be cited as the 'National Aeronautics and Space Act of 1958'.''

EARTH OBSERVING SYSTEM PROGRAM

Pub. L. 102–588, title I, § 102(g), Nov. 4, 1992, 106 Stat. 5111, provided that:

''(1) The Administrator [of the National Aeronautics and Space Administration] shall carry out an Earth Observing System program that addresses the highest priority international climate change research goals as defined by the Committee on Earth and Environmental Sciences and the Intergovernmental Panel on Climate Change.

''(2)(A) Within 180 days after the date of enactment of this Act [Nov. 4, 1992], the Administrator shall submit to Congress a plan which will ensure that the highest priority measurements are maintained on schedule to the greatest extent practicable while lower priority measurements are deferred, deleted, or obtained through other means.

''(B) Within 90 days after the date of enactment of this Act, the Core System of the Earth Observing System Data and Information System, the Administrator shall submit to Congress a Development Plan which—

''(i) identifies the highest risk elements of the development effort and the key advanced technologies required to significantly increase scientific productivity;

''(ii) provides a plan for the development of one or more prototype systems for use in reducing the development risk of critical system elements and obtaining feedback for scientific users;

''(iii) provides a plan for research into key advanced technologies;

''(iv) identifies sufficient resources for carrying out the Development Plan; and

''(v) identifies how the Earth Observing System Data Information System will connect to and utilize other federally-supported research networks, including the National Research and Education Network.''

CONGRESSIONAL FINDINGS AND POLICY

1991—Pub. L. 102–195, §§ 2, 3, Dec. 9, 1991, 105 Stat. 1605, 1606, provided that:

''SEC. 2. FINDINGS.

''Congress finds that—

''(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

''(2) a balanced civil space science program should be funded at a level of at least 20 percent of the aggregate amount in the budget of the National Aeronautics and Space Administration for 'Research and development' and 'Space flight, control, and data communications';

''(3) development of an adequate data base for life sciences in space will be greatly enhanced through closer scientific cooperation with the Soviet Union, including active use of manned Soviet space stations;

''(4) the space program can make substantial contributions to health-related research and should be an integral part of the Nation's health research and development program;

''(5) Landsat data and the continuation of the Landsat system beyond Landsat 6 are essential to the Mission to Planet Earth and other long-term environmental research programs;

''(6) increased use of defense-related remote sensing data and data technology by civilian agencies and the scientific community can benefit national environmental study and monitoring programs;

''(7) the generation of trained scientists and engineers through educational initiatives and academic research programs outside of the National Aeronautics and Space Administration is essential to the future of the United States civil space program;

''(8) the strengthening and expansion of the Nation's space transportation infrastructure, including the enhancement of launch sites and launch site support facilities, are essential to support the full range of the Nation's space-related activities;

''(9) the aeronautical program contributes to the Nation's technological competitive advantage, and it has been a key factor in maintaining preeminence in aviation over many decades; and

''(10) the National Aero Space Plane program can have benefits to the military and civilian aviation programs from the new and innovative technologies developed in propulsion systems, aerodynamics, and control systems that could be enormous, especially for high-speed aeronautical and space flight.

''SEC. 3. POLICY.

''It is the policy of the United States that—

''(1) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator'), in planning for national programs in environmental study and human space flight and exploration, should ensure the resiliency of the space infrastructure;

''(2) a stable and balanced program of civil space science should be planned to minimize future year funding requirements in order to accommodate a steady stream of new initiatives;

''(3) any new launch system undertaken or jointly undertaken by the National Aeronautics and Space Administration should be based on defined mission and program requirements or national policies established by Congress;

''(4) in fulfilling the mission of the National Aeronautics and Space Administration to improve the usefulness, performance, speed, safety, and efficiency of space vehicles, the Administrator should establish a program of research and development to enhance the competitiveness and cost effectiveness of commercial expendable launch vehicles; and

''(5) the National Aeronautics and Space Administration should promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog.''

1990—Pub. L. 101–611, title I, §§101, 102, Nov. 16, 1990, 104 Stat. 3188, 3189, provided that:

''SEC. 101. FINDINGS.

''The Congress finds that—

''(1) over the next decade, the United States aeronautics and space program will be directed toward major national priorities of understanding, preserving, and enhancing our global environment, hypersonic transportation, human exploration, and emerging technology commercialization;

''(2) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

''(3) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

''(4) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the planets and the universe;

''(5) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy through new products and processes that significantly improve our standard of living;

''(6) the United States aeronautics and space program excites the imagination of every generation and can stimulate the youth of our Nation toward the pursuit of excellence in the fields of science, engineering, and mathematics;

''(7) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

''(8) the United States aeronautics and space program requires a sustained commitment of financial and human resources as a share of the Nation's Gross National Product;

''(9) the United States space transportation system will depend upon a robust fleet of space shuttle orbiters and expendable and reusable launch vehicles and services;

''(10) the United States space program will be advanced with an assured funding stream for the development of a permanently manned space station with research, experimentation, observation, servicing, manufacturing, and staging capabilities for lunar and Mars missions;

''(11) the United States aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

''(12) the United States needs to maintain a strong program with respect to transatmospheric research and technology by developing and demonstrating National Aero-Space Plane technology by a mid-decade date certain;

''(13) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing policy that supports and encourages civil aeronautics and space activities in the United States; and

''(14) commercial activities of the private sector will substantially and increasingly contribute to the strength of both the United States space program and the national economy.

''SEC. 102. POLICY.

''It is declared to be national policy that the United States should—

''(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

''(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo moon program;

''(3) ensure that the long-range environmental impact of all activities carried out under this title [enacting sections 2459a, 2465a, and 2471a of this title and section 1535 of Title 15, Commerce and Trade, amending section 2473 of this title and sections 2601, 2602, 2604, 2614, and 2623 of former Title 49, Transportation, and enacting provisions set out as notes under this section and sections 2459, 2465a, and 2471 of this title] are fully understood and considered;

''(4) promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog;

''(5) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

''(6) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the orbiter design to improve safety and performance, and reduce operational costs;

''(7) sustain a mixed fleet by utilizing commercial expendable launch vehicle services to the fullest extent practicable;

''(8) support an aggressive program of research and development designed to enhance the United States preeminence in launch vehicles;

''(9) continue and complete on schedule the development and deployment of a permanently manned, fully capable, space station;

''(10) develop an advanced, high pressure space suit to support extravehicular activity that will be required for Space Station Freedom when Assembly Complete is reached;

''(11) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

''(12) continue to seek opportunities for international cooperation in space and fully support international cooperative agreements;

''(13) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system;

''(14) conduct a program of technology maturation, including flight demonstration in 1997, to prove the feasibility of an air-breathing, hypersonic aerospace plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere;

''(15) seek innovative technologies that will make possible advanced human exploration initiatives, such as the establishment of a lunar base and the succeeding mission to Mars, and provide high yield technology advancements for the national economy; and

''(16) enhance the human resources of the Nation and the quality of education.''

LIFE SCIENCES STRATEGIC PLAN

Pub. L. 101–611, title I, §113, Nov. 16, 1990, 104 Stat. 3199, provided that:

''(a) FINDINGS.—The Congress finds that—

''(1) the current knowledge base in life sciences is not compatible with the National Aeronautics and Space Administration's current objectives in space, and the National Aeronautics and Space Administration lacks an adequate strategic plan to acquire a knowledge base;

''(2) it is critical to the success of manned missions in space, be they commercial operations of micro-

gravity laboratories or manned missions to Mars, that a realistic appraisal of the influences of the space environment on biological systems is completed and appropriate protective countermeasures developed;

''(3) the space station is rapidly approaching design maturity without a corresponding development of the physiological and other human factors knowledge base necessary for long-term manned operations in space; and

''(4) space station laboratory hardware specifications are being fixed before fully establishing the objectives and requirements for life sciences research.

''(b) STRATEGIC PLAN.—The Administration shall—

''(1) review currently proposed manned space flight missions in order to—

''(A) identify the physiological and other human factors knowledge base necessary to determine the human capacity to adapt to and perform effectively in the space environment according to mission requirements, including identifying which life sciences parameters must be measured and which technologies, processes, and procedures must be developed; and

''(B) develop a schedule indicating when specific components of information, technologies, processes, or procedures identified under subparagraph (A) will need to be acquired or developed in order to verify that human adaptability requirements of manned space flight missions can be achieved;

''(2) develop a strategy plan for life sciences research and technology development sufficient to accomplish the life sciences knowledge base acquisition schedule developed under paragraph (1)(B), including—

''(A) a crew certification plan setting acceptable crew conditioning standards for Extended Duration Orbiter operations and verifying countermeasures sufficient to meet those standards before actual Extended Duration Orbiter operations; and

''(B) a life sciences implementation plan for the design and development of the space station, to be provided as part of the Preliminary Design Review for the space station, and to include crew adaptability standards; and

''(3) verify the physiological and technical feasibility of the life sciences implementation plan developed under paragraph (2)(B), as part of the Critical Design Review for the space station.''

NATIONAL AERO-SPACE PLANE PROGRAM

Pub. L. 101–611, title I, § 116, Nov. 16, 1990, 104 Stat. 3202, provided that:

''(a) NATIONAL AERO-SPACE PLANE PROGRAM.—The Secretary of Defense (hereafter in this section referred to as the 'Secretary') and the Administrator shall jointly pursue on a high priority basis a National Aero-Space Plane program whose objective shall be the development and demonstration, by 1997, of a primarily air breathing single-stage-to-orbit and long range hypersonic cruise research flight vehicle. The program shall be a research program, and to the extent practicable technological information developed shall be transferred to the military and to the domestic civil aviation and other private industries.

''(b) MANAGEMENT PLAN.—

''(1) The Secretary and the Adminstrator [sic] shall jointly develop a management plan for the program established under subsection (a), which shall include goals, major tasks, anticipated schedules, organizational structure, funding profiles, details of the respective responsibilities of the Secretary and the Administrator, and resource procurement strategies.

''(2) The management plan developed pursuant to paragraph (1) shall be submitted to the Congress within 120 days after the date of enactment of this Act [Nov. 16, 1990].''

NATIONAL AERONAUTICS AND SPACE CAPITAL DEVELOPMENT PROGRAM

Section 101 of Pub. L. 100–685 provided that: ''Congress finds that—

''(1) in accordance with section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100–147) [set out below], a space station, hereafter referred to as the United States International Space Station, shall be constructed in order to establish a permanent presence for man in space for the following purposes—

''(A) the conduct of scientific experiments, applications experiments, and engineering experiments;

''(B) the servicing, rehabilitation, and construction of satellites and space vehicles;

''(C) the development and demonstration of commercial products and processes; and

''(D) the establishment of a space base for other civilian and commercial space activities including an outpost for further exploration of the solar system;

''(2) expendable launch vehicles should be used to launch those payloads that do not require the presence of man;

''(3) the space shuttle launches should be used to fulfill the Nation's needs for manned access to space;

''(4) preeminence in space and aeronautics is key to the national security and economic well being of the United States;

''(5) United States space policy needs long-range goals and direction in order to provide understanding for near-term space projects and programs;

''(6) over the next five years the National Aeronautics and Space Administration, hereafter referred to as the 'Administration', should pursue leadership in science through an aggressive set of major and moderate missions while maintaining a robust series of cost effective missions that can provide frequent flight opportunities to the scientific community[;]

''(7) over the next five years the Administration should prepare for the transition to the United States International Space Station of those science and technology programs that can be most efficiently and effectively conducted on that facility;

''(8) the Administration should encourage the United States private sector investment in space and, to the maximum extent practicable provide frequent flight opportunities for the development of technologies, processes and products that benefit from the space environment;

''(9) the Administration should enhance the existing space transportation capability through a robust mixed fleet of manned and unmanned vehicles in order to increase the reliability, productivity, and efficiency and reduce the cost of the Nation's access to space;

''(10) the United States faces an increasingly successful foreign challenge to its traditional preeminent position in aeronautics which is rapidly reducing its lead in both civil and military aircraft;

''(11) NASA's personnel are an integral component and resource for the Nation's space program, and an innovative personnel system should be developed;

''(12) the establishment of a permanent presence in space leading ultimately to space settlements is fully consistent with the goals of the National Aeronautics and Space Act of 1958 [this chapter];

''(13) the United States civil space activities should contribute significantly to enhancing the Nation's scientific and technological leadership, economy, pride, and sense of well-being, as well as United States world prestige and leadership;

''(14) civil sector activities should be comprised of a balanced strategy of research, development, operations, and technology for science, exploration, and appropriate applications;

''(15) assured access to space, sufficient to achieve all United States space goals, is an essential element of United States space policy, and the United States space transportation systems must provide a balanced, robust, and flexible capability with sufficient resiliency to allow continued operation despite failures in any single system;

''(16) the goals of the United States space transportation system are—

''(A) to achieve and maintain safe and reliable access to, transportation in, and return from, space;

''(B) to exploit the unique attributes of manned and unmanned launch and recovery systems;

''(C) to encourage, to the maximum extent feasible, the development and use of United States private sector space transportation capabilities; and

''(D) to reduce the costs of space transportation and related services;

''(17) recognizing that communications advancements are critical to all United States space activities, the Administration should continue research and development efforts for future advances in space communications technologies;

''(18) the goal of aeronautical research and technology development and validation activities should be to contribute to a national technology base that will enhance United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system; and

''(19) aeronautical research and technology development and validation activities should—

''(A) emphasize emerging technologies with potential for breakthrough advances;

''(B) consist of—

''(i) fundamental research in all aeronautical disciplines, aimed at greater understanding of aeronautical phenomena and development of new aeronautical concepts; and

''(ii) technology development and validation activities aimed at laboratory-scale development and proof-of-concept demonstration of selected concepts with high payoff potential;

''(C) assure maintenance of robust aeronautical laboratories, including a first-rate technical staff and modern national facilities for the conduct of research and testing activities;

''(D) be conducted with the close, active participation of the United States aircraft industry so as to accelerate the transfer of research results to aviation products;

''(E) include providing technical assistance and facility support to other government agencies and United States industry;

''(F) include conducting joint projects with other government agencies where such projects contribute materially to the goals set forth in this section;

''(G) assure strong participation of United States universities both in carrying out aeronautical research and training future aeronautical research personnel; and

''(H) be conducted, where practical, so that United States industry receives research results before foreign competitors.''

SPACE SETTLEMENTS

Section 217 of Pub. L. 100–685 provided that:

''(a) The Congress declares that the extension of human life beyond Earth's atmosphere, leading ultimately to the establishment of space settlements, will fulfill the purposes of advancing science, exploration, and development and will enhance the general welfare.

''(b) In pursuit of the establishment of an International Space Year in 1992 pursuant to Public Law 99–170 [Dec. 5, 1985, 99 Stat. 1012], the United States shall exercise leadership and mobilize the international community in furtherance of increasing mankind's knowledge and exploration of the solar system.

''(c) Once every 2 years after the date of the enactment of this Act [Nov. 17, 1988], the National Aeronautics and Space Administration shall submit a report to the President and to the Congress which—

''(1) provides a review of all activities undertaken under this section including an analysis of the focused research and development activities on the Space Station, Moon, and other outposts that are necessary to accomplish a manned mission to Mars;

''(2) analyzes ways in which current science and technology can be applied in the establishment of space settlements;

''(3) identifies scientific and technological capacity for establishing space settlements, including a description of what steps must be taken to develop such capacity;

''(4) examines alternative space settlement locations and architectures;

''(5) examines the status of technologies necessary for extraterrestrial resource development and use and energy production;

''(6) reviews the ways in which the existence of space settlements would enhance science, exploration, and development;

''(7) reviews mechanisms and institutional options which could foster a broad-based plan for international cooperation in establishing space settlements;

''(8) analyzes the economics of financing space settlements, especially with respect to private sector and international participation;

''(9) discusses sociological factors involved in space settlement such as psychology, political science, and legal issues; and

''(10) addresses such other topics as the National Aeronautics and Space Administration considers appropriate.''

TEN YEAR STRATEGIC PLAN

Title III of Pub. L. 100–685 provided that:

''AERONAUTICS AND SPACE STRATEGIC PLAN

''SEC. 301. The Administrator should develop an aggressive and balanced plan of science and applications including but not limited to—

''(1) the robotic exploration of other solar system bodies;

''(2) the study and observation of other celestial bodies and phenomena at spectral wave lengths and resolutions that will enhance our understanding of the universe;

''(3) the enhanced study and monitoring of Earth as an interacting system;

''(4) the development of a full understanding of the behavior of biological systems in the space environment; and

''(5) the development of a full understanding of physics and chemistry of the macroscopic behavior of materials in the microgravity environment.

''SPACE RESEARCH AND TECHNOLOGY STRATEGIC PLAN

''SEC. 302. The Administrator should develop an aggressive and balanced plan of space research and technology including but not limited to—

''(1) fundamental and innovative research as the seedbed for enabling technologies for future civil space missions;

''(2) focused technology programs keyed to long range, high priority civil space missions;

''(3) technology research and demonstrations, extending laboratory activities from Earth to space-based facilities such as the Space Shuttle, Space Station, orbital platforms, and eventually the Moon and other planetary bodies; and

''(4) cooperation with, and service to, other space program sectors with advanced technology and use of ground and space-based facilities.

''SPACE EXPLORATION STRATEGIC PLAN

''SEC. 303. The Administrator should develop a plan in pursuit of the continued manned exploration of the solar system and low-Earth orbit, including but not limited to—

''(1) the establishment of an operational United States International Space Station that shall be permanently manned; and

''(2) the development of those technologies and systems required for manned exploration of space beyond earth orbit.

''SPACE TRANSPORTATION STRATEGIC PLAN

''SEC. 304. The Administrator should develop a plan to improve the manned and unmanned space transportation system including—

''(1) the continued enhancement of the space shuttle and its ground system in order to increase safety and efficiency and reduce costs;

''(2) the completion of the development of a heavy-lift expendable launch vehicle if consistent with mission requirements of the Administration, the Department of Defense, and other Federal agencies; and

''(3) the initiation of preliminary design activities for the next generation of a manned space launch system beyond the space shuttle.

''AERONAUTICAL RESEARCH AND TECHNOLOGY DEVELOPMENT AND VALIDATION LONG-RANGE PLAN

''SEC. 305. The Administrator should develop a plan in pursuit of—

''(1) a vigorous program in aeronautics research and technology development and validation, emphasizing emerging technologies with the potential for breakthrough advances to enhance United States preeminence in civil and military aviation; and

''(2) in cooperation with the Department of Defense, a technology development program (with an option for a flight demonstration in 1995) to prove the feasibility of an air-breathing hypersonic aerospaceplane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere.''

PERMANENTLY MANNED SPACE STATION

Pub. L. 100–147, title I, §§106–112, Oct. 30, 1987, 101 Stat. 863–865, as amended by Pub. L. 102–195, §16, Dec. 9, 1991, 105 Stat. 1614, provided that:

''SEC. 106. (a) The Administrator is directed to undertake the construction of a permanently manned space station (hereinafter referred to as the 'space station') to become operational in 1995. The space station will be used for the following purposes—

''(1) the conduct of scientific experiments, applications experiments, and engineering experiments;

''(2) the servicing, rehabilitation, and construction of satellites and space vehicles;

''(3) the development and demonstration of commercial products and processes; and

''(4) the establishment of a space base for other civilian and commercial space activities.

''(b) The space station shall be developed and operated in a manner that supports other science and space activities.

''(c) In order to reduce the cost of operations of the space station and its ground support system, the Administrator shall undertake the development of such advanced technologies as may be appropriate within the level of funding authorized in this Act [see Tables for classifications].

''(d) The Administrator shall seek to have portions of the space station constructed and operated by the private sector, where appropriate.

''(e) The Administrator shall promote international cooperation in the space station program by undertaking the development, construction, and operation of the space station in conjunction with (but not limited to) the Governments of Europe, Japan, and Canada.

''(f) The space station shall be designed, developed, and operated in a manner that enables evolutionary enhancement.

''SEC. 107. (a) For each of the fiscal years 1989 through 1996, the Administrator, along with the President's submission to the Congress of the annual budget request for the National Aeronautics and Space Administration, shall submit a capital development plan for the space station program. Each such plan shall include the estimated cost, in both then year and constant dollars, of all direct research and development; space flight, control and data communications; construction of facilities; assembly (including related costs); and research and program management for the fiscal year involved and the two succeeding fiscal years. Each such plan shall also include the estimated cost, in both then year and constant dollars, of operations for at least the first full year of steady operations of the space station.

''(b) For fiscal year 1989, the capital development plan shall also include a statement outlining the total cost, schedule, and configuration of the Administration's space station proposal, as well as an analysis of the 'Report of the Committee on the Space Station of the National Research Council'. Such analysis shall examine alternatives for the configuration of the space station including but not limited to low cost alternatives.

''SEC. 108. In order to ensure that the development of the space station is part of a balanced civilian space program, the Administrator is instructed to establish as a goal a funding profile that limits (1) space station total annual costs under the capital development plan in section 107 to 25 percent of the total budget request for the National Aeronautics and Space Administration and (2) all space station direct operations costs, except for those costs associated with the utilization of the space station, to 10 percent of the total budget request for the National Aeronautics and Space Administration.

''SEC. 109. (a) It is the sense of the Congress that the launching and servicing of the space station should be accomplished by the most cost-effective use of space transportation systems, including the space shuttle and expendable launch vehicles.

''(b) Not later than January 15, 1988, the Administrator shall submit a preliminary report on the cost-effective use of space transportation systems for the launch of space station elements during the development and operation of the space station. The Administrator shall consider—

''(1) the potential use of future advanced or heavy lift expendable launch vehicles for purposes of the assembly and operation of the space station;

''(2) the use of existing expendable launch vehicles of the National Aeronautics and Space Administration, the Department of Defense, and the Private Sector;

''(3) the requirement for space shuttle launches; and

''(4) the risk of capital losses from the use of expendable launch vehicles and the space shuttle.

''SEC. 110. (a) The Administrator shall set and collect reasonable user fees for the use and maintenance of the space station.

''(b) The Administrator shall set user fees so as to—

''(1) promote the use of the space station consistent with the policy set forth in section 106;

''(2) recover the costs of the use of the space station, including reasonable charges for any enhancement needed for such use; and

''(3) conserve and efficiently allocate the resources of the space station.

''(c) The Administrator may, on a case-by-case basis, waive or modify such user fees when in the Administrator's judgment such waiver or modification will further the goals and purposes of the National Aeronautics and Space Act of 1958 [42 U.S.C. 2451 et seq.], including—

''(1) the advancement of scientific or engineering knowledge;

''(2) international cooperation; and

''(3) the commercial use of space.

''SEC. 111. No later than September 30, 1988, the Administrator shall submit a detailed plan for collecting reimbursements for the utilization of the space station under section 110, including the services to be offered, the methodology and bases by which prices will be charged, and the estimated revenues.

''SEC. 112. The Intergovernmental Agreement currently being negotiated between the United States Government and Canada, Japan, and member governments of the European Space Agency, and the Memorandum of Understanding currently being negotiated between the National Aeronautics and Space Administration and its counterpart agencies in Canada, Japan, and Europe concerning the detailed design, development, construction, operation, or utilization of the space station shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the

House of Representatives. No such agreement shall take effect until 30 days have passed after the receipt by such committees of the agreement.''

FEASIBILITY STUDY ON FLIGHT OPPORTUNITIES FOR DIVERSE SEGMENT OF AMERICAN PUBLIC

Pub. L. 99–170, title I, § 111, Dec. 5, 1985, 99 Stat. 1016, provided that: ''The Administrator shall initiate an immediate feasibility study to ensure flight opportunities for a diverse segment of the American public, including a physically disabled American.''

NATIONAL COMMISSION ON SPACE

Pub. L. 98–361, title II, July 16, 1984, 98 Stat. 427, as amended by Pub. L. 99–170, title I, § 109, Dec. 5, 1985, 99 Stat. 1016, established a National Commission on Space, required it to study existing and proposed space activities, to formulate an agenda for the civilian space program, to identify long range goals, opportunities, and policy options for the next 20 years, and to submit, within 18 months after establishment, a long range plan for the civilian space activity, and provided that the Commission would cease to exist 60 days after submission of the plan.

EXECUTIVE ORDER NO. 10946

Ex. Ord. No. 10946, May 26, 1961, 26 F.R. 4629, which related to labor disputes at missile and space sites, was revoked by Ex. Ord. No. 11374, Oct. 11, 1967, 32 F.R. 14199, set out below.

EX ORD. NO. 11374. ABOLITION OF MISSILE SITES LABOR COMMISSION

Ex. Ord. No. 11374, Oct. 11, 1967, 32 F.R. 14199, provided:

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Missile Sites Labor Commission is hereby abolished and its functions and responsibilities are transferred to the Federal Mediation and Conciliation Service.

SEC. 2. The Director of the Federal Mediation and Conciliation Service shall establish within the Federal Mediation and Conciliation Service such procedures as may be necessary to provide for continued priority for resolution of labor disputes or potential labor disputes at missile and space sites, and shall seek the continued cooperation of manufacturers, contractors, construction concerns, and labor unions in avoiding uneconomical operations and work stoppages at missile and space sites.

SEC. 3. The Department of Defense, the National Aeronautics and Space Administration, and other appropriate government departments and agencies shall continue to cooperate in the avoidance of uneconomical operations and work stoppages at missile and space sites. They shall also assist the Federal Mediation and Conciliation Service in the discharge of its responsibilities under this order.

SEC. 4. All records and property of the Missile Sites Labor Commission are hereby transferred to the Federal Mediation and Conciliation Service.

SEC. 5. Any disputes now before the Missile Sites Labor Commission shall be resolved by the personnel now serving as members of the Missile Sites Labor Commissions under special assignment for such purposes by the Director of the Federal Mediation and Conciliation Service.

SEC. 6. Executive Order No. 10946 of May 26, 1961, is hereby revoked.

LYNDON B. JOHNSON.

EXECUTIVE ORDER NO. 12490

Ex. Ord. No. 12490, Oct. 12, 1984, 49 F.R. 40393, which related to the establishment, functions, administration, and termination of the National Commission on Space, was revoked by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12675. ESTABLISHING THE NATIONAL SPACE COUNCIL

Ex. Ord. No. 12675, Apr. 20, 1989, 54 F.R. 17691, as amended by Ex. Ord. No. 12712, Apr. 26, 1990, 55 F.R. 18095; Ex. Ord. No. 12869, § 4(f), Sept. 30, 1993, 58 F.R. 51752, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide a coordinated process for developing a national space policy and strategy and for monitoring its implementation, it is hereby ordered as follows:

SECTION 1. *Establishment and Composition of the National Space Council.*

(a) There is established the National Space Council (''the Council'').

(b) The Council shall be composed of the following members:

(1) The Vice President, who shall be Chairman of the Council;

(2) The Secretary of State;

(3) The Secretary of the Treasury;

(4) The Secretary of Defense;

(5) The Secretary of Commerce;

(6) The Secretary of Transportation;

(7) The Secretary of Energy;

(8) The Director of the Office of Management and Budget;

(9) The Chief of Staff to the President;

(10) The Assistant to the President for National Security Affairs;

(11) The Assistant to the President for Science and Technology;

(12) The Director of Central Intelligence; and

(13) The Administrator of the National Aeronautics and Space Administration.

(c) The Chairman shall, from time to time, invite the following to participate in meetings of the Council:

(1) The Chairman of the Joint Chiefs of Staff; and

(2) The heads of other executive departments and agencies and other senior officials in the Executive Office of the President.

SEC. 2. *Functions of the Council.* (a) The Council shall advise and assist the President on national space policy and strategy, and perform such other duties as the President may from time to time prescribe.

(b) In addition, the Council is directed to:

(1) review United States Government space policy, including long-range goals, and develop a strategy for national space activities;

(2) develop recommendations for the President on space policy and space-related issues;

(3) monitor and coordinate implementation of the objectives of the President's national space policy by executive departments and agencies; and

(4) foster close coordination, cooperation, and technology and information exchange among the civil, national security, and commercial space sectors, and facilitate resolution of differences concerning major space and space-related policy issues.

(c) The creation and operation of the Council shall not interfere with existing lines of authority and responsibilities in the departments and agencies.

SEC. 3. *Responsibilities of the Chairman.* (a) The Chairman shall serve as the President's principal advisor on national space policy and strategy.

(b) The Chairman shall, in consultation with the members of the Council, establish procedures for the Council and establish the agenda for Council activities.

(c) The Chairman shall report to the President on the activities and recommendations of the Council. The Chairman shall advise the Council as appropriate regarding the President's directions with respect to the Council's activities and national space policy generally.

(d) The Chairman shall authorize the establishment of such committees of the Council, including an execu-

tive committee, and of such working groups, composed of senior designees of the Council members and of other officials invited to participate in Council meetings, as he deems necessary or appropriate for the efficient conduct of Council functions.

SEC. 4. *National Space Policy Planning Process*. (a) The Council will establish a process for developing and monitoring the implementation of national space policy and strategy.

(b) To implement this process, each agency represented on the Council shall provide such information regarding its current and planned space activities as the Chairman shall request.

(c) The head of each executive department and agency shall ensure that its space-related activities conform to national space policy and strategy.

SEC. 5. [Revoked by Ex. Ord. No. 12869, § 4(f), Sept. 30, 1993, 58 F.R. 51752.]

SEC. 6. *Microgravity Research Board*. Section 1(c) of Executive Order No. 12660 is amended by deleting ''Economic Policy Council'' and inserting in lieu thereof ''National Space Council.''

SEC. 7. *Administrative Provisions*. (a) The Office of Administration in the Executive Office of the President shall provide the Council with such administrative support on a reimbursable basis as may be necessary for the performance of the functions of the Council.

(b) The President shall appoint an Executive Secretary who shall appoint such staff as may be necessary to assist in the performance of the Council's functions.

(c) All Federal departments, agencies, and interagency councils and committees having an impact on space policy shall extend, as appropriate, such cooperation and assistance to the Council as is necessary to carry out its responsibilities under this order.

(d) The head of each agency serving on the Council or represented on any working group or committee of the Council shall provide such administrative support as may be necessary, in accordance with law and subject to the availability of appropriations, to enable the agency head or its representative to carry out his responsibilities.

SEC. 8. *Report*. The Council shall submit an annual report setting forth its assessment of and recommendations for the space policy and strategy of the United States Government.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2476 of this title.

§ 2452. Definitions

As used in this chapter—

(1) the term ''aeronautical and space activities'' means (A) research into, and the solution of, problems of flight within and outside the earth's atmosphere, (B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles, (C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D) such other activities as may be required for the exploration of space; and

(2) the term ''aeronautical and space vehicles'' means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

(Pub. L. 85–568, title I, § 103, July 29, 1958, 72 Stat. 427; Pub. L. 98–52, title I, § 108, July 15, 1983, 97 Stat. 285.)

REFERENCES IN TEXT

This chapter, referred to in introductory clause, was in the original ''this Act'', meaning Pub. L. 85–568, July 29. 1958, 72 Stat. 426, as amended, known as the National Aeronautics and Space Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

AMENDMENTS

1983—Par. (1)(C), (D). Pub. L. 98–52 added cl. (C) and redesignated former cl. (C) as (D).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2486b of this title.

§ 2453. Transfer of related functions to Administration

(a) Functions of other departments and agencies; transfer of records, etc.

Subject to the provisions of this section, the President, for a period of four years after July 29, 1958, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 2473 of this title. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

(b) Transfers prior to January 1, 1959; report to Congress

Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(c) Transfers after December 31, 1958; report to Congress; approval of Congress

After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

(Pub. L. 85–568, title III, § 302, July 29, 1958, 72 Stat. 433.)

EX. ORD. NO. 10783. TRANSFER OF FUNCTIONS FROM DEPARTMENT OF DEFENSE TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ex. Ord. No. 10783, Oct. 1, 1958, 23 F.R. 7643, provided:

SECTION 1. All functions (including powers, duties, activities, and parts of functions) of the Department of Defense, or of any officer or organizational entity of the Department of Defense, with respect to the following are hereby transferred to the National Aeronautics and Space Administration:

(a) The United States scientific satellite project (Project VANGUARD).

(b) Specific projects of the Advanced Research Projects Agency [now Defense Advanced Research Projects Agency] and of the Department of the Air Force which relate to space activities (including lunar probes, scientific satellites and superthrust boosters)

within the scope of the functions developing upon the National Aeronautics and Space Administration under the provisions of the National Aeronautics and Space Act of 1958 [this chapter], and which shall be more particularly described in one or more supplementary Executive orders hereafter issued.

SEC. 2. (a) The Secretary of the Treasury shall immediately transfer to the appropriation of the National Aeronautics and Space Administration for ''Research and Development'', from such appropriations of the Department of Defense as the Secretary of Defense shall designate, the following amounts:

(1) In connection with the transfer of functions provided for in section 1(a) hereof, such amounts as shall be determined by the Director of the Bureau of the Budget [now Office of Management and Budget] pursuant to section 202(b) of the Budget and Accounting Procedures Act of 1950 [see 31 U.S.C. 1531] and section 1(k) of Executive Order No. 10530 of May 1, 1954 [set out as a note under section 301 of Title 3, The President].

(2) In connection with the transfer of functions of the Advanced Research Projects Agency [now Defense Advanced Research Projects Agency] provided for in section 1(b) hereof, $59,200,000.

(3) In connection with the transfer of functions of the Department of the Air Force provided for in section 1(b) hereof, $57,800,000.

(b) In connection with the transfer of functions provided for in section 1, appropriate transfers of records, property, facilities, and civilian personnel shall be carried out as may be agreed upon from time to time by the National Aeronautics and Space Administration and the Department of Defense.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10793. TRANSFER OF CERTAIN FUNCTIONS FROM DEPARTMENT OF DEFENSE TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ex. Ord. No. 10793, Dec. 3, 1958, 23 F.R. 9405, provided:

By virtue of the authority vested in me by the National Aeronautics and Space Act of 1958 (Public Law 85–568; 72 Stat. 426) [this chapter] and section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b) [see 31 U.S.C. 1531]), and as President of the United States, it is ordered as follows:

SECTION 1. Those functions (including powers, duties, activities, and parts of functions) of the Department of the Army or of any officer or organizational entity thereof which are now being performed at the Jet Propulsion Laboratory of the California Institute of Technology, near Pasadena, California (hereinafter referred to as the Laboratory), except so much thereof as relates primarily to military operations and weapon system development programs, are hereby transferred to the National Aeronautics and Space Administration.

SEC. 2. In connection with the transfer of functions provided for in section 1 of this order, there is hereby transferred to the National Aeronautics and Space Administration custody, possession, and control of the Government-owned property occupied or utilized by the Laboratory except those items of equipment therein which relate primarily to military operations and weapon system development programs of the Department of the Army.

SEC. 3. The Department of Defense and the National Aeronautics and Space Administration shall effect necessary administrative arrangements, including appropriate transfer of records, in connection with the transfers of functions and property provided for in sections 1 and 2 hereof. In order to provide for the most effective utilization of scientific and engineering resources, the National Aeronautics and Space Administration shall to the extent permitted by its own programs and facilities provide research and development support at the Laboratory in respect of military matters to the Department of Defense.

SEC. 4. The Secretary of the Treasury shall immediately transfer from such appropriations of the Department of Defense pertinent to the functions transferred by section 1 of this order as the Secretary of Defense shall designate, to such appropriations of the National Aeronautics and Space Administration as the Administrator of the National Aeronautics and Space Administration shall specify, the amount of $4,078,250.

DWIGHT D. EISENHOWER.

TRANSFER PLAN

Mar. 15, 1960, 25 F.R. 2151

Transmitted by the President and delivered to the Congress January 14, 1960, pursuant to the provisions of section 302 of the National Aeronautics and Space Act of 1958 (72 Stat. 433) [this section]

MAKING CERTAIN TRANSFERS FROM THE DEPARTMENT OF DEFENSE TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 1. Those functions (including powers, duties, activities, and parts of functions) of the Department of Defense, or of any officer or organizational entity thereof, relating to the development of space vehicle systems (excluding ballistic missiles) and research connected therewith, which are being performed by the Army Ballistic Missile Agency of the Department of the Army, or by any officer or organizational entity of the said Agency, are transferred to the National Aeronautics and Space Administration.

SEC. 2. (a) The following shall be transferred to the National Aeronautics and Space Administration, pursuant to authority conferred by the provisions of section 302(a) of the National Aeronautics and Space Act of 1958 [this section] and other applicable authority, at such time or times as may be appropriate:

(1) So much of the unexpended balances of appropriations, allocations, and other funds of the Department of Defense, available or to be made available, as the Director of the Bureau of the Budget [now Office of Management and Budget] shall determine to relate to the functions transferred by the provisions of section 1 of this transfer plan and to be needed by the National Aeronautics and Space Administration in connection with those functions.

(2) To the extent needed by the National Aeronautics and Space Administration in connection with the aforesaid transferred functions, (i) civilian personnel employed in the Development Operations Division of the Army Ballistic Missile Agency, and other civilian personnel employed in the Department of the Army for administrative and technical support of the Development Operations Division, together with their respective positions, and (ii) records and property of the Department of Defense (including those of any organizational entity of the Department of Defense) relating to the said transferred functions. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, jointly, or, to any extent that they shall fail to agree, the Director of the Bureau of the Budget, shall (A) determine the number of employees to be so transferred and the identity of the particular employees who are to be transferred, (B) designate the specific records and property to be transferred, and (C) fix the date or dates of these transfers.

(b) Without limiting the foregoing provisions of this transfer plan, the functions transferred to the National Aeronautics and Space Administration by the provisions of section 1 of this transfer plan shall include so much of the functions of the Department of Defense, or of any officer or organizational entity thereof, as relate to the appointment and pay of civilian personnel employed in the Development Operations Division of the Army Ballistic Missile Agency, including authority to continue certain transferred positions in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, pursuant to the provisions of section 1, of Public Law 86–377 [see sections 3324 and 5708 of Title 5, Government Organization and Employees], and authority to continue certain transferred positions requiring the services of specially qualified scientists

or professional personnel pursuant to the provisions of section 2 of Public Law 86–377 [section 1581 of Title 10, Armed Forces].

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate transfers under the foregoing provisions of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 3. The provisions of this transfer plan shall become effective upon the expiration of the first period of sixty calendar days of regular session of the Congress following the date stated in the heading hereof unless the Congress has during that period adopted a concurrent resolution stating that Congress does not favor this transfer plan. Thereafter, as promptly as may be, this transfer plan shall be published in the FEDERAL REGISTER.

§ 2454. Access to information

(a) Information obtained or developed by the Administrator in the performance of his functions under this chapter shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, (B) information classified to protect the national security, and (C) information described in subsection (b) of this section: *Provided*, That nothing in this chapter shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

(b) The Administrator, for a period of up to 5 years after the development of information that results from activities conducted under an agreement entered into under section 2473(c)(5) and (6) of this title, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5.

(Pub. L. 85–568, title III, § 303, July 29, 1958, 72 Stat. 433; Pub. L. 102–588, title V, § 509, Nov. 4, 1992, 106 Stat. 5129.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 85–568, July 29, 1958, 72 Stat. 426, as amended, known as the National Aeronautics and Space Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102–588 designated existing provisions as subsec. (a), substituted ''(B)'' for ''and (B)'', inserted cl. (C), and added subsec. (b).

§ 2455. Security requirements

(a) Establishment; investigations; referral to Federal Bureau of Investigation

The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange with the Director of the Office of Personnel Management for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

(b) Access to Restricted Data of Atomic Energy Commission

The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under 2165(b) of this title, to permit any member, officer, or employee of the Council, or the Administrator, or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of this title. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 2163 of this title.

(Pub. L. 85–568, title III, § 304(a), (b), July 29, 1958, 72 Stat. 433, 434; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

CODIFICATION

Section is comprised of subsec. (a) and (b) of section 304 of Pub. L. 85–568. Subsecs. (c) and (d) of section 304 are classified to sections 799 and 1114, respectively, of Title 18, Crimes and Criminal Procedure. Subsec. (e) of section 304 is classified to section 2456 of this title.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''Civil Service Commission'' in subsec. (a), pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which

transferred all functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of this title. See also Transfer of Functions notes set out under those sections.

ABOLITION OF NATIONAL AERONAUTICS AND SPACE COUNCIL

The National Aeronautics and Space Council, including office of Executive Secretary of Council, together with functions of Council, abolished by section 3(a)(4) of Reorg. Plan No. 1 of 1973, 38 F.R. 9579, 87 Stat. 1089, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 2585.

§ 2456. Permission to use firearms

The Administrator may direct such of the officers and employees of the Administration as he deems necessary in the public interest to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

(Pub. L. 85–568, title III, § 304(e), July 29, 1958, 72 Stat. 435.)

CODIFICATION

Section is comprised of subsec. (e) of section 304 of Pub. L. 85–568. Subsecs. (a) and (b) of section 304 are classified to section 2455 of this title. Subsecs. (c) and (d) of section 304 are classified to sections 799 and 1114, respectively, of Title 18, Crimes and Criminal Procedure. Subsec. (f) of section 304 is classified to section 2456a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2456a of this title.

§ 2456a. Arrest authority

Under regulations to be prescribed by the Administrator and approved by the Attorney General of the United States, those employees of the Administration and of its contractors and subcontractors authorized to carry firearms under section 2456 of this title may arrest without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Persons granted authority to make arrests by this section may exercise that authority only while guarding and protecting property owned or leased by, or under the control of, the United States under the administration and control of the Administration or one of its contractors or subcontractors, at facilities owned by or contracted to the Administration.

(Pub. L. 85–568, title III, § 304(f), as added Pub. L. 100–685, title II, § 206, Nov. 17, 1988, 102 Stat. 4090.)

CODIFICATION

Section is comprised of subsec. (f) of section 304 of Pub. L. 85–568. Subsecs. (a) and (b) of section 304 are classified to section 2455 of this title. Subsecs. (c) and (d) of section 304 are classified to sections 799 and 1114, respectively, of Title 18, Crimes and Criminal Procedure. Subsec. (e) of section 304 is classified to section 2456 of this title.

§ 2457. Property rights in inventions

(a) Exclusive property of United States; issuance of patent

Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Contract provisions for furnishing reports of inventions, discoveries, improvements, or innovations

Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) Patent application

No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents and Trademarks to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was

made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

(d) Issuance of patent to applicant; request by Administrator; notice; hearing; determination; review

Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Administrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before the Board of Patent Appeals and Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the United States Court of Appeals for the Federal Circuit in accordance with procedures governing appeals from decisions of the Board of Patent Appeals and Interferences in other proceedings.

(e) False representations; request for transfer of title to patent; notice; hearing; determination; review

Whenever any patent has been issued to any applicant in conformity with subsection (d) of this section, and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before the Board of Patent Appeals and Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) of this section for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) of this section for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Waiver of rights to inventions; Inventions and Contributions Board

Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) Repealed. Pub. L. 96–517, § 7(b), Dec. 12, 1980, 94 Stat. 3027

(h) Protection of title

The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) Administration as defense agency

The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35.

(j) Definitions

As used in this section—

(1) the term ''person'' means any individual, partnership, corporation, association, institution, or other entity;

(2) the term ''contract'' means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term ''made'', when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(k) Objects intended for launch, launched, or assembled in outer space

Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35.

***(l)* Use or manufacture of patented inventions incorporated in space vehicles launched for persons other than United States**

The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, unless the Administration gives an express authorization or consent for such use or manufacture.

(Pub. L. 85–568, title III, § 305, July 29, 1958, 72 Stat. 435; Pub. L. 93–596, § 3, Jan. 2, 1975, 88 Stat. 1949; Pub. L. 96–517, § 7(b), Dec. 12, 1980, 94 Stat. 3027; Pub. L. 97–96, § 7, Dec. 21, 1981, 95 Stat. 1210; Pub. L. 97–164, title I, § 162(3), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–622, title II, § 205(c), Nov. 8, 1984, 98 Stat. 3388.)

AMENDMENTS

1984—Subsec. (d). Pub. L. 98–622, § 205(c)(1), substituted ''the Board of Patent Appeals and Interferences'' for ''a Board of Patent Interferences'' and ''the Board of Patent Interferences''.

Subsec. (e). Pub. L. 98–622, § 205(c)(2), substituted ''the Board of Patent Appeals and Interferences'' for ''a Board of Patent Interferences''.

1982—Subsec. (d). Pub. L. 97–164 substituted ''United States Court of Appeals for the Federal Circuit'' for ''Court of Customs and Patent Appeals''.

1981—Subsecs. (k), (*l*). Pub. L. 97–96 added subsecs. (k) and (*l*).

1980—Subsec. (g). Pub. L. 96–517 repealed subsec. (g) which related to license regulations.

CHANGE OF NAME

In subsec. (c), ''Commissioner of Patents'' redesignated ''Commissioner of Patents and Trademarks'' by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–622 effective three months after Nov. 8, 1984, see section 207 of Pub. L. 98–622 set out as a note under section 7 of Title 35, Patents.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–517 effective July 1, 1981, but implementing regulations authorized to be issued earlier, see section 8(f) of Pub. L. 96–517, set out as a note under section 41 of Title 35, Patents.

EMERGENCY RELIEF FROM POSTAL SITUATION AFFECTING NATIONAL SPACE PROGRAM CASES

Excusal of delayed fees or actions affected by postal situation beginning on Mar. 18, 1970, and ending on or about Mar. 30, 1970, see Pub. L. 92–34, June 30, 1971, 85 Stat. 87, set out as a note under section 111 of Title 35, Patents.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2458, 2459b of this title; title 35 section 210.

§ 2458. Contributions awards

(a) Applications; referral to Board; hearing; recommendations; determination by Administrator

Subject to the provisions of this section, the Administrator is authorized, upon his own initiative or upon application of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 2457 of this title) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 2457 of this title. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contribution. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) Apportionment of awards; surrender of claims to compensation; limitation on amount; reports to Congressional committees

If more than one applicant under subsection (a) of this section claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) of this section with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding $100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

(Pub. L. 85–568, title III, § 306, July 29, 1958, 72 Stat. 437.)

§ 2458a. Malpractice and negligence suits against United States

(a) Exclusive remedy

The remedy against the United States provided by sections 1346(b) and 2672 of title 28, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of his duties or employment therein or therefor shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) whose act or omission gave rise to such action or proceeding.

(b) Attorney General to defend any civil action or proceeding for malpractice or negligence; service of process

The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought to the Attorney General and to the Administrator.

(c) Removal of actions; certification by Attorney General; remand to State court

Upon a certification by the Attorney General that any person described in subsection (a) of this section was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place where- in it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

(d) Compromise or settlement of claims

The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

(e) Applicability of other provisions of law

For purposes of this section, the provisions of section 2680(h) of title 28, shall not apply to any cause of action arising out of a negligent or wrongful act of omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations).

(f) Liability insurance for persons assigned to foreign countries or non-Federal agencies

The Administrator or his designee may, to the extent that the Administrator or his designee deem appropriate, hold harmless or provide liability insurance for any person described in subsection (a) of this section for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury.

(Pub. L. 85–568, title III, § 307, as added Pub. L. 94–464, § 3, Oct. 8, 1976, 90 Stat. 1988.)

PRIOR PROVISIONS

A prior section 307 of Pub. L. 85–568 was renumbered section 309 and is classified to section 2459 of this title.

EFFECTIVE DATE

Section effective Oct. 8, 1976, see section 4 of Pub. L. 94–464, set out as a note under section 1089 of Title 10, Armed Forces.

§ 2458b. Insurance and indemnification

(a) Authorization

The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 2473(c) of this title.

(b) Indemnification

Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including

reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user: *Provided*, That such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

(c) Terms of indemnification agreement; notice; United States control of or assistance in defense

An agreement made under subsection (b) of this section that provides indemnification must also provide for—

(1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

(d) Certification of just and reasonable amount

No payment may be made under subsection (b) of this section unless the Administrator or his designee certifies that the amount is just and reasonable.

(e) Payments

Upon the approval by the Administrator, payments under subsection (b) of this section may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

(f) Definitions

As used in this section—

(1) the term ''space vehicle'' means an object intended for launch, launched or assembled in outer space, including the Space Shuttle and other components of a space transportation system, together with related equipment, devices, components and parts;

(2) the term ''user'' includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle; and

(3) the term ''third party'' means any person who may institute a claim against a user for death, bodily injury or loss of or damage to property.

(Pub. L. 85–568, title III, § 308, as added Pub. L. 96–48, § 6(b)(2), Aug. 8, 1979, 93 Stat. 348.)

PRIOR PROVISIONS

A prior section 308 of Pub. L. 85–568 was renumbered section 309 and is classified to section 2459 of this title.

EFFECTIVE DATE

Section 6(c) of Pub. L. 96–48 provided that: ''This section [enacting this section and amending section 2473 of this title] shall be effective October 1, 1979.''

§ 2459. Appropriations

(a) Authorization; limitations for uses of capital nature

There are authorized to be appropriated such sums as may be necessary to carry out this chapter, except that nothing in this chapter shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds $250,000. Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) Use of funds for emergency repairs of existing facilities

Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) Termination

Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

(Pub. L. 85–568, title III, § 309, formerly § 307, July 29, 1958, 72 Stat. 438; Pub. L. 88–113, § 6, Sept. 6, 1963, 77 Stat. 144; renumbered § 308, Pub. L. 94–464, § 3, Oct. 8, 1976, 90 Stat. 1988; renumbered § 309, Pub. L. 96–48, § 6(b)(1), Aug. 8, 1979, 93 Stat. 348.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 85–568, July 29, 1958, 72 Stat. 426, as amended, known as the National Aeronautics and Space Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

AMENDMENTS

1963—Subsec. (c). Pub. L. 88–113 added subsec. (c).

DRUG-FREE WORKPLACE

Pub. L. 100–685, title II, § 215, Nov. 17, 1988, 102 Stat. 4093, provided that:

''(a) No funds authorized to be appropriated under this Act, or under any other Act authorizing appropriations for fiscal year 1989 through 1993 for the Administration, shall be obligated or expended unless the Administration has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.]) by the officers and employees of the Administration.

''(b) No funds authorized to be appropriated to the Administration for fiscal years 1989 through 1993 shall be available for payment in connection with any grant, contract, or other agreement, unless the recipient of such grant, contractor, or party to such agreement, as the case may be, has in place and will continue to administer in good faith a written policy, adopted by the board of directors or other government authority of such recipient, contractor, or party, satisfactory to the Administrator of the Administration, designed to ensure that all of the workplaces of such recipient, contractor, or party are free from the illegal use, posses-

sion, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such recipient, contractor, or party.

''(c) The provisions of this section, and the provisions of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 [15 U.S.C. 5101 et seq.], the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989 [Pub. L. 100–519, title I, Oct. 24, 1988, 102 Stat. 2589], the National Science Foundation Authorization Act for Fiscal Years 1989 and 1990 [probably means Pub. L. 100–570, Oct. 31, 1988, 102 Stat. 2865], and the National Nutrition Monitoring and Related Research Act of 1988 [probably means S. 1081, One Hundredth Congress, which was pocket vetoed], relating to a drug-free workplace, shall not be effective until January 16, 1989.''

GEOGRAPHICAL DISTRIBUTION OF RESEARCH FUNDS

Provisions stating the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible were contained in the following appropriation authorization acts:

Pub. L. 102–588, title II, § 209, Nov. 4, 1992, 106 Stat. 5115.
Pub. L. 102–195, § 9, Dec. 9, 1991, 105 Stat. 1612.
Pub. L. 101–611, title I, § 109, Nov. 16, 1990, 104 Stat. 3197.
Pub. L. 100–685, title II, § 205, Nov. 17, 1988, 102 Stat. 4090.
Pub. L. 100–147, title I, § 113(a), Oct. 30, 1987, 101 Stat. 865.
Pub. L. 99–170, title I, § 105, Dec. 5, 1985, 99 Stat. 1015.
Pub. L. 98–361, title I, § 105, July 16, 1984, 98 Stat. 425.
Pub. L. 98–52, title I, § 105, July 15, 1983, 97 Stat. 284.
Pub. L. 97–324, title I, § 105, Oct. 15, 1982, 96 Stat. 1600.
Pub. L. 97–96, § 5, Dec. 21, 1981, 95 Stat. 1210.
Pub. L. 96–316, § 5, July 30, 1980, 94 Stat. 963.
Pub. L. 96–48, § 5, Aug. 8, 1979, 93 Stat. 348.
Pub. L. 95–401, § 5, Sept. 30, 1978, 92 Stat. 860.
Pub. L. 95–76, § 5, July 30, 1977, 91 Stat. 315.
Pub. L. 94–307, § 5, June 4, 1976, 90 Stat. 680.
Pub. L. 94–39, § 5, June 19, 1975, 89 Stat. 221.
Pub. L. 93–316, § 5, June 22, 1974, 88 Stat. 243.
Pub. L. 93–74, § 5, July 23, 1973, 87 Stat. 174.
Pub. L. 92–304, § 5, May 19, 1972, 86 Stat. 161.
Pub. L. 92–68, § 5, Aug. 6, 1971, 85 Stat. 176.
Pub. L. 91–303, § 5, July 2, 1970, 84 Stat. 371.
Pub. L. 91–119, § 5, Nov. 18, 1969, 83 Stat. 198.
Pub. L. 90–373, § 6, July 3, 1968, 82 Stat. 283.
Pub. L. 90–67, § 5, Aug. 21, 1967, 81 Stat. 170.
Pub. L. 89–528, § 5, Aug. 5, 1966, 80 Stat. 339.
Pub. L. 89–53, § 5, June 28, 1965, 79 Stat. 194.

DENIAL OF FINANCIAL ASSISTANCE TO CAMPUS DISRUPTERS

Pub. L. 92–304, § 6, May 19, 1972, 86 Stat. 161, provided generally that any institution of higher education deny for a two year period payment under programs authorized by the National Aeronautics and Space Act of 1958 to any individual attending or employed by such institution who has been convicted of any crime committed after May 19, 1972, which involved the use of force, disruption or seizure of property to prevent officers or students from engaging in their duties or pursuing their studies. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 92–68, § 6, Aug. 6, 1971, 85 Stat. 177.
Pub. L. 91–308, § 26, July 2, 1970, 84 Stat. 372.
Pub. L. 91–119, § 7, Nov. 18, 1969, 83 Stat. 201.

APPROPRIATIONS FOR ANY PERIOD PRIOR TO JUNE 30, 1960

Sections 701 of Pub. L. 85–766, title VII, Aug. 27, 1958, 72 Stat. 873, prohibited appropriations to the National Aeronautics and Space Administration for any period prior to June 30, 1960, unless previously authorized.

§ 2459a. Availability of appropriated amounts

Appropriations authorized under this Act for ''Research and Development'', for ''Space Flight, Control, and Data Communications'', or for ''Construction of Facilities'' may remain available until expended. Contracts may be entered into under ''Inspector General'' and ''Research and Program Management'' for training, investigations, and costs associated with personnel relocation and for other services provided during the fiscal year following the fiscal year in which funds are appropriated.

(Pub. L. 102–588, title II, § 202, Nov. 4, 1992, 106 Stat. 5112.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102–588, Nov. 4, 1992, 106 Stat. 5107, known as the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is based on the appropriation authorization act cited as a credit to this section.

Section was formerly classified to section 699 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation authorization acts:

Pub. L. 102–195, § 4(g), Dec. 9, 1991, 105 Stat. 1609.
Pub. L. 101–611, title I, § 103(b)(2), Nov. 16, 1990, 104 Stat. 3195.
Pub. L. 100–685, title II, § 201(c), Nov. 17, 1988, 102 Stat. 4089.
Pub. L. 100–147, title I, § 101(g), Oct. 30, 1987, 101 Stat. 862.
Pub. L. 99–170, title I, § 101(f), Dec. 5, 1985, 99 Stat. 1014.
Pub. L. 98–361, title I, § 101(f), July 16, 1984, 98 Stat. 424.
Pub. L. 98–52, title I, § 101(e), July 15, 1983, 97 Stat. 282.
Pub. L. 97–324, title I, § 101(e), Oct. 15, 1982, 96 Stat. 1598.
Pub. L. 97–96, § 1(e), Dec. 21, 1981, 95 Stat. 1208.
Pub. L. 96–316, § 1(e), July 30, 1980, 94 Stat. 962.
Pub. L. 96–48, § 1(e), Aug. 8, 1979, 93 Stat. 347.
Pub. L. 95–401, § 1(e), Sept. 30, 1978, 92 Stat. 858.
Pub. L. 95–76, § 1(e), July 30, 1977, 91 Stat. 313.
Pub. L. 94–307, § 1(e), June 4, 1976, 90 Stat. 678.
Pub. L. 94–39, § 1(e), June 19, 1975, 89 Stat. 219.
Pub. L. 93–316, § 1(e), June 22, 1974, 88 Stat. 242.
Pub. L. 93–74, § 1(e), July 23, 1973, 87 Stat. 173.
Pub. L. 92–304, § 1(e), May 19, 1972, 86 Stat. 159.
Pub. L. 92–68, § 1(e), Aug. 6, 1971, 85 Stat. 175.
Pub. L. 91–303, § 1(e), July 2, 1970, 84 Stat. 370.
Pub. L. 91–119, § 1(e), Nov. 18, 1969, 83 Stat. 197.
Pub. L. 90–373, § 1(e), July 3, 1968, 82 Stat. 281.
Pub. L. 90–67, § 1(e), Aug. 21, 1967, 81 Stat. 169.
Pub. L. 89–528, § 1(e), Aug. 5, 1966, 80 Stat. 337.
Pub. L. 89–53, § 1(e), June 28, 1965, 79 Stat. 193.
Pub. L. 88–369, § 1(e), July 11, 1964, 78 Stat. 311.
Pub. L. 88–113, § 1(e), Sept. 6, 1963, 77 Stat. 142.
Pub. L. 87–584, § 1(d), Aug. 14, 1962, 76 Stat. 382.
Pub. L. 87–98, § 1(e), July 21, 1961, 75 Stat. 216.
Pub. L. 86–481, § 1(g), June 1, 1960, 74 Stat. 151.

§ 2459b. Misuse of agency name and initials; authority of Attorney General to enjoin

(a) No person (as defined by section 2457 of this title) may (1) knowingly use the words ''Na-

tional Aeronautics and Space Administration'' or the letters ''NASA'', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a) of this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

(Pub. L. 85–568, title III, § 310, as added Pub. L. 98–52, title I, § 107, July 15, 1983, 97 Stat. 284.)

§ 2459c. Contracts regarding expendable launch vehicles

(a) The Administrator may enter into contracts for expendabe[1] launch vehicle services that are for periods in excess of the period for which funds are otherwise available for obligation, provide for the payment for contingent liability which may accrue in excess of available appropriations in the event the Government for its convenience terminates such contracts, and provide for advance payments reasonably related to launch vehicle and related equipment, fabrication, and acquisition costs, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts provided in advance in appropriation Acts. Such contracts may be limited to sources within the United States when the Administrator determines that such limitation is in the public interest.

(b) If funds are not available to continue any such contract, the contract shall be terminated for the convenience of the Government, and the costs of such contract shall be paid from appropriations originally available for performance of the contract, from other, unobligated appropriations currently available for the procurement of launch services, or from funds appropriated for such payments.

(Pub. L. 85–568, title III, § 311, as added Pub. L. 100–147, title I, § 117, Oct. 30, 1987, 101 Stat. 867.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2465e of this title.

[1] So in original. Probably should be ''expendable''.

§ 2459d. Prohibition of grant or contract providing guaranteed customer base for new commercial space hardware or services

No amount appropriated to the National Aeronautics and Space Administration in this or any other Act with respect to any fiscal year may be used to fund grants, contracts or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act.

(Pub. L. 102–139, title III, Oct. 28, 1991, 105 Stat. 771.)

CODIFICATION

Section was enacted as part of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2459e. Quality assurance personnel

(a) Exclusion of NASA personnel

A person providing articles to the National Aeronautics and Space Administration under a contract entered into after December 9, 1991, may not exclude National Aeronautics and Space Administration quality assurance personnel from work sites except as provided in a contract provision described in subsection (b) of this section.

(b) Contract provisions

The National Aeronautics and Space Administration shall not enter into any contract which permits the exclusion of National Aeronautics and Space Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to the Congress at least 60 days before entering into such contract.

(Pub. L. 102–195, § 19, Dec. 9, 1991, 105 Stat. 1615.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2460. Appropriations; prior authorization by Congress

Notwithstanding the provisions of any other law, no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation hereafter enacted by the Congress.

(Pub. L. 86–45, § 4, June 15, 1959, 73 Stat. 75.)

CODIFICATION

Section was not enacted as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2461. Congressional Space Medal of Honor; appropriations

The President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of his duties has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind.

There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this section.

(Pub. L. 91–76, §§1, 2, Sept. 29, 1969, 83 Stat. 124.)

CODIFICATION

Section was not enacted as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

The first and second pars. of this section are comprised of section 1 and 2 of Pub. L. 91–76, respectively.

§ 2462. Repealed. Pub. L. 97–96, § 8, Dec. 21, 1981, 95 Stat. 1211

Section, Pub. L. 91–119, §6, Nov. 18, 1969, 83 Stat. 199; Pub. L. 91–303, §7, July 2, 1970, 84 Stat. 372; Pub. L. 94–273, §24, Apr. 21, 1976, 90 Stat. 379; Pub. L. 96–470, title I, §118(a), Oct. 19, 1980, 94 Stat. 2240, related to the reporting requirements for former employees of the National Aeronautics and Space Administration and their association with aerospace contractors and the reports of the Administrator to the Congress.

REPORT BY ADMINISTRATOR OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON ADMINISTRATION POLICY REGARDING CONFLICTS OF INTEREST, STANDARDS OF CONDUCT, AND FINANCIAL DISCLOSURE

Pub. L. 95–401, §8, Sept. 30, 1978, 92 Stat. 860, provided that the Administrator of the National Aeronautics and Space Administration report to the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation no later than December 31, 1978, on the Administration policy regarding conflicts of interest, standards of conduct and financial disclosure and the implementation of that policy.

§ 2463. Tracking and data relay satellite services; report to Congressional committees; authorization to contract

The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation enacted by the Congress after July 30, 1977.

(Pub. L. 95–76, §6, July 30, 1977, 91 Stat. 315; Pub. L. 103–437, §15(c)(3), Nov. 2, 1994, 108 Stat. 4592.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, 1978, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation authorization acts:

Pub. L. 94–307, §6, June 4, 1976, 90 Stat. 680.
Pub. L. 94–39, §6, June 19, 1975, 89 Stat. 221.
Pub. L. 93–316, §7, June 22, 1974, 88 Stat. 243.

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Science, Space, and Technology'' for ''Science and Technology'' in second par.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2464. Recovery of fair value of placing Department of Defense payloads in orbit with Space Shuttle

Notwithstanding any other provision of law, or any interagency agreement, the Administrator of the National Aeronautics and Space Administration shall charge such prices as necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the Space Shuttle.

(Pub. L. 97–324, title I, §106(a), Oct. 15, 1982, 96 Stat. 1600.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, 1983, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

EFFECTIVE DATE

Section 106(b) of Pub. L. 97–324 provided that: ''This section [enacting this section] shall apply to any Department of Defense payloads placed into orbit by means of the Space Shuttle on or after October 1, 1983.''

§ 2464a. Payloads launched on Titan II launch vehicles; cost effectiveness as against space shuttle launches

The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration will jointly determine which payloads will be launched on Titan II launch vehicles and certify by notice to the Congress that such launches are cost effective as compared to launches by the space shuttle and do not diminish the efficient and effective utilization of the space shuttle capability: *Provided*, That this section may be waived only upon certification by the Secretary of Defense that certain classified payloads must be launched on the Titan II launch vehicle as opposed to the space shuttle, for national security reasons.

(Pub. L. 99–190, § 101(b) [title VIII, § 8111], Dec. 19, 1985, 99 Stat. 1185, 1222.)

CODIFICATION

Section was enacted as part of the Department of Defense Appropriations Act, 1986, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2465. Commercialization of expendable launch vehicle technologies, facilities and equipment; Congressional review

Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

(Pub. L. 98–52, title I, § 110, July 15, 1983, 97 Stat. 285; Pub. L. 103–437, § 15(c)(4), Nov. 2, 1994, 108 Stat. 4592.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, 1984, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Science, Space, and Technology'' for ''Science and Technology''.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EX. ORD. NO. 12465. COORDINATION AND ENCOURAGEMENT OF COMMERCIAL EXPENDABLE LAUNCH VEHICLE ACTIVITIES

Ex. Ord. No. 12465, Feb. 24, 1984, 49 F.R. 7211, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to encourage, facilitate and coordinate the development of commercial expendable launch vehicle (ELV) operations by private United States enterprises, it is hereby ordered as follows:

SECTION 1. The Department of Transportation is designated as the lead agency within the Federal government for encouraging and facilitating commercial ELV activities by the United States private sector.

SEC. 2. *Responsibilities of Lead Agency*. The Secretary of Transportation shall, to the extent permitted by law and subject to the availability of appropriations, perform the following functions:

(a) act as a focal point within the Federal government for private sector space launch contacts related to commercial ELV operations;

(b) promote and encourage commercial ELV operations in the same manner that other private United States commercial enterprises are promoted by United States agencies;

(c) provide leadership in the establishment, within affected departments and agencies, of procedures that expedite the processing of private sector requests to obtain licenses necessary for commercial ELV launches and the establishment and operation of commercial launch ranges;

(d) consult with other affected agencies to promote consistent application of ELV licensing requirements for the private sector and assure fair and equitable treatment for all private sector applicants;

(e) serve as a single point of contact for collection and dissemination of documentation related to commercial ELV licensing applications;

(f) make recommendations to affected agencies and, as appropriate, to the President, concerning administrative measures to streamline Federal government procedures for licensing of commercial ELV activities;

(g) identify Federal statutes, treaties, regulations and policies which may have an adverse impact on ELV commercialization efforts and recommend appropriate changes to affected agencies and, as appropriate, to the President; and

(h) conduct appropriate planning regarding long-term effects of Federal activities related to ELV commercialization.

SEC. 3. An interagency group, chaired by the Secretary of Transportation and composed of representatives from the Department of State, the Department of Defense, the Department of Commerce, the Federal Communications Commission, and the National Aeronautics and Space Administration, is hereby established. This group shall meet at the call of the Chair and shall advise and assist the Department of Transportation in performing its responsibilities under this Order.

SEC. 4. *Responsibilities of Other Agencies*. All executive departments and agencies shall assist the Secretary of Transportation in carrying out this Order. To the extent permitted by law and in consultation with the Secretary of Transportation, they shall:

(a) provide the Secretary of Transportation with information concerning agency regulatory actions which may affect development of commercial ELV operations;

(b) review and revise their regulations and procedures to eliminate unnecessary regulatory obstacles to the development of commercial ELV operations and to ensure that those regulations and procedures found essential are administered as efficiently as possible; and

(c) establish timetables for the expeditious handling of and response to applications for licenses and approvals for commercial ELV activities.

SEC. 5. The powers granted to the Secretary of Transportation to encourage, facilitate and coordinate the overall ELV commercialization process shall not di-

minish or abrogate any statutory or operational authority exercised by any other Federal agency.

SEC. 6. Nothing contained in this Order or in any procedures promulgated hereunder shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies, its officers or any person.

SEC. 7. This Order shall be effective immediately.

RONALD REAGAN.

§ 2465a. Space Shuttle use policy

(a) Use policy

(1) It shall be the policy of the United States to use the Space Shuttle for purposes that (i) require the presence of man, (ii) require the unique capabilities of the Space Shuttle or (iii) when other compelling circumstances exist.

(2) The term ''compelling circumstances'' includes, but is not limited to, occasions when the Administrator determines, in consultation with the Secretary of Defense and the Secretary of State, that important national security or foreign policy interests would be served by a Shuttle launch.

(3) The policy stated in subsection (a)(1) of this section shall not preclude the use of available cargo space, on a Space Shuttle mission otherwise consistent with the policy described under subsection (a)(1) of this section, for the purpose of carrying secondary payloads (as defined by the Administrator) that do not require the presence of man if such payloads are consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(b) Implementation plan

The Administrator shall, within six months after November 16, 1990, submit a report to the Congress setting forth a plan for the implementation of the policy described in subsection (a)(1) of this section. Such plan shall include—

(1) details of the implementation plan;

(2) a list of purposes that meet such policy;

(3) a proposed schedule for the implementation of such policy;

(4) an estimate of the costs to the United States of implementing such policy; and

(5) a process for informing the Congress in a timely and regular manner of how the plan is being implemented.

(c) Annual report

At least annually, the Administrator shall submit to the Congress a report certifying that the payloads scheduled to be launched on the space shuttle for the next four years are consistent with the policy set forth in subsection (a)(1) of this section. For each payload scheduled to be launched from the space shuttle, which do not require the presence of man, the Administrator shall, in the certified report to Congress, state the specific circumstances which justified the use of the space shuttle. If, during the period between scheduled reports to the Congress, any additions are made to the list of certified payloads intended to be launched from the Shuttle, the Administrator shall inform the Congress of the additions and the reasons therefor within 45 days of the change.

(d) NASA payloads

The report described in subsection (c) of this section shall also include those National Aeronautics and Space Administration payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

(Pub. L. 101–611, title I, § 112, Nov. 16, 1990, 104 Stat. 3198.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

DEFINITION OF ''ADMINISTRATOR''

Section 127 of title I of Pub. L. 101–611 provided that: ''For purposes of this title [enacting this section and sections 2459a and 2471a of this title and section 1535 of Title 15, Commerce and Trade, amending section 2473 of this title and sections 2601, 2602, 2604, 2614, and 2623 of former Title 49, Transportation, and enacting provisions set out as notes under sections 2451, 2459, and 2471 of this title], the term 'Administrator' means the Administrator of the National Aeronautics and Space Administration.''

§ 2465b. Congressional findings

The Congress finds that—

(1) the United States commercial launch industry is technically capable of providing reliable and cost efficient access to space and is an essential component of national efforts to assure access to space for Government and commercial users;

(2) the Federal Government should encourage, facilitate, and promote the United States commercial launch industry, including the development and enhancement of commercial launch facilities, in order to ensure United States economic preeminence in space;

(3) the interests of the United States will be served if the commercial launch industry is competitive in the international marketplace;

(4) commercial vehicles are effective means to challenge foreign competition;

(5) the use by the Federal Government of performance specifically in lieu of detailed specifications relating to vehicle design, construction, and operation will facilitate the efficient operation of the United States commercial launch industry;

(6) the procurement of commercial launch services in a commercially reasonable manner permits a reduced level of Federal Government regulation and oversight and economies of scale which may result in significant cost savings to the commercial launch industry and to the United States.[1]

(7) it is the general policy of the Federal Government to purchase needed goods and services, including launch services, from the private sector to the fullest extent feasible; and

(8) predictable access to National Aeronautics and Space Administration launch markets would encourage continuing United

[1] So in original. The period probably should be a semicolon.

States private sector investment in space and related activities.

(Pub. L. 101–611, title II, § 202, Nov. 16, 1990, 104 Stat. 3205.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and also as part of the Launch Services Purchase Act of 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2465c, 2465d of this title.

§ 2465c. Definitions

For the purposes of sections 2465b to 2465f of this title—

(1) the term ''commercial provider'' means any person providing launch services, but does not include the Federal Government;

(2) the term ''launch services'' means activities involved in the preparation of a launch vehicle and its payload for space transport and the conduct of transporting a payload;

(3) the term ''launch vehicle'' means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space; and

(4) the term ''payload'' means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(Pub. L. 101–611, title II, § 203, Nov. 16, 1990, 104 Stat. 3206.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and also as part of the Launch Services Purchase Act of 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2465d of this title.

§ 2465d. Requirement to procure commercial launch services

(a) In general

Except as otherwise provided in this section, the National Aeronautics and Space Administration shall purchase launch services for its primary payloads from commercial providers whenever such services are required in the course of its activities.

(b) Exceptions

The National Aeronautics and Space Administration shall not be required to purchase launch services as provided in subsection (a) of this section if, on a case by case basis the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle;

(2) cost effective commercial launch services to meet specific mission requirements are not reasonably available and would not be available when required;

(3) the use of commercial launch services poses an unacceptable risk of loss of a unique scientific opportunity; or

(4) the payload serves national security or foreign policy purposes.

Upon any such determination, the Administrator shall, within 30 days, notify in writing the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the determination and its rationale.

(c) National Aeronautics and Space Administration launch vehicles

Launch vehicles shall be acquired or owned by the National Aeronautics and Space Administration only—

(1) as required under circumstances described in subsection (b) of this section; or

(2) by the National Aeronautics and Space Administration for conducting research and development on, and testing of, launch technology.

(d) Phase-in period

Subsections (a) and (c) of this section shall not apply to launch services and launch vehicles purchased by the National Aeronautics and Space Administration before November 16, 1990.

(e) Historical purposes

Sections 2465b to 2465f of this title shall not be interpreted to prohibit the National Aeronautics and Space Administration from acquiring, owning, or maintaining launch vehicles solely for historical display purposes.

(Pub. L. 101–611, title II, § 204, Nov. 16, 1990, 104 Stat. 3206.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and also as part of the Launch Services Purchase Act of 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2465c, 2465e of this title.

§ 2465e. Purchase of launch services

(a) Full and open competition

(1) Contracts to provide launch services to the National Aeronautics and Space Administration under section 2465d of this title shall be awarded on the basis of full, fair, and open competition, consistent with section 2304 of title 10 and section 2459c of this title.

(2) The National Aeronautics and Space Administration shall limit its requirements for submission of cost or pricing data in support of

a bid or proposal to that data which is reasonably required to protect the interests of the United States.

(b) Specification systems

Reasonable performance specifications, not detailed Government design or construction specifications, shall be used to the maximum extent feasible to define requirements for a commercial provider bidding to provide launch services. This subsection shall not preclude the National Aeronautics and Space Administration from requiring compliance with applicable safety standards.

(Pub. L. 101–611, title II, § 205, Nov. 16, 1990, 104 Stat. 3207.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and also as part of the Launch Services Purchase Act of 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2465c, 2465d of this title.

§ 2465f. Other activities of National Aeronautics and Space Administration

(a) Commercial payloads on space shuttle

Commercial payloads may not be accepted for launch as primary payloads on the space shuttle unless the Administrator of the National Aeronautics and Space Administration determines that—

(1) the payload requires the unique capabilities of the space shuttle; or

(2) launching of the payload on the space shuttle is important for either national security or foreign policy purposes.

(b) Report

By March 15, 1991, the Administrator, in consultation with the Office of Federal Procurement Policy, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report outlining the minimal requirements for documentation and other administrative data needed to procure launch services in a commercially reasonable manner, including—

(1) the need for data to integrate a payload with a launch vehicle;

(2) the need for data to carry out mission-specific modifications to the launch vehicle;

(3) the need for notification to the National Aeronautics and Space Administration of changes, delays, or difficulties in the construction or preparation of a launch vehicle that may affect the delivery of its payload to its destination at the time and under the conditions provided for under the contract between the United States and its contractors;

(4) the need for data to protect public health and safety; and

(5) the need for cost or pricing data for the fulfillment of a contract.

(Pub. L. 101–611, title II, § 206, Nov. 16, 1990, 104 Stat. 3207.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and also as part of the Launch Services Purchase Act of 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2465c, 2465d of this title.

§ 2466. Shuttle pricing policy; Congressional findings and declaration of purpose

The Congress finds and declares that—

(1) the Space Transportation System is a vital element of the United States space program, contributing to the United States leadership in space research, technology, and development;

(2) the Space Transportation System is the primary space launch system for both United States national security and civil government missions;

(3) the Space Transportation System contributes to the expansion of United States private sector investment and involvement in space and therefore should serve commercial users;

(4) the availability of the Space Transportation System to foreign users for peaceful purposes is an important means of promoting international cooperative activities in the national interest and in maintaining access to space for activities which enhance the security and welfare of mankind;

(5) the United States is committed to maintaining world leadership in space transportation;

(6) making the Space Transportation System fully operational and cost effective in providing routine access to space will maximize the national economic benefits of the system; and

(7) national goals and the objectives for the Space Transportation System can be furthered by a stable and fair pricing policy for the Space Transportation System.

(Pub. L. 99–170, title II, § 201, Dec. 5, 1985, 99 Stat. 1017.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act of 1986, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

EFFECTIVE DATE

Section 205 of title II of Pub. L. 99–170 provided that: ''This title [enacting this section and sections 2466a to 2466c of this title] shall apply to flights of the Space Transportation System beginning on and after October 1, 1988.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2466a, 2466b of this title.

§ 2466a. Goals

The purpose of sections 2466 to 2466c of this title is to set the reimbursement pricing policy for the Space Transportation System for commercial and foreign users which is consistent with the findings included in section 2466 of this title, encourages the full and effective use of space, and is designed to achieve the following goals—

(1) the preservation of the role of the United States as a leader in space research, technology, and development;

(2) the efficient and cost effective use of the Space Transportation System;

(3) the achievement of greatly increased commercial space activity; and

(4) the enhancement of the international competitive position of the United States.

(Pub. L. 99–170, title II, § 202, Dec. 5, 1985, 99 Stat. 1017.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act of 1986, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

EFFECTIVE DATE

Section applicable to flights of the Space Transportation System beginning on and after Oct. 1, 1988, see section 205 of Pub. L. 99–170, set out as a note under section 2466 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2466b, 2466c of this title.

§ 2466b. "Administrator" and "additive cost" defined

For purposes of sections 2466 to 2466c of this title, the term—

(1) ''Administrator'' means the Administrator of the National Aeronautics and Space Administration; and

(2) ''additive cost'' means the average direct and indirect costs to the National Aeronautics and Space Administration of providing additional flights of the Space Transportation System beyond the costs associated with those flights necessary to meet the space transportation needs of the United States Government.

(Pub. L. 99–170, title II, § 203, Dec. 5, 1985, 99 Stat. 1017.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act of 1986, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

EFFECTIVE DATE

Section applicable to flights of the Space Transportation System beginning on and after Oct. 1, 1988, see section 205 of Pub. L. 99–170, set out as a note under section 2466 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2466a of this title.

§ 2466c. Duties of Administrator

(a) Establishment and implementation of reimbursement recovery system; base price

The Administrator shall establish and implement a pricing system to recover reimbursement in accordance with the pricing policy under section 2466a of this title from each commercial or foreign user of the Space Transportation System, which except as provided in subsections (c), (d), and (e) of this section shall include a base price of not less than $74,000,000 for each flight of the Space Transportation System in 1982 dollars.

(b) Reports to Congressional committees

Each year the Administrator shall submit to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives, a report, transmitted contemporaneously with the annual budget request of the President, which shall inform the Congress how the policy goals contained in section 2466a of this title are being furthered by the shuttle price for foreign and commercial users.

(c) Reduction of base price

(1) If at any time the Administrator finds that the policy goals contained in section 2466a of this title are not being achieved, the Administrator shall have authority to reduce the base price established in subsection (a) of this section after forty-five days following receipt by the President of the Senate, the Speaker of the House, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives of a notice by the Administrator containing a description of the proposed reduction together with a full and complete statement of the facts and circumstances which necessitate such proposed reduction.

(2) In no case shall the minimum price established under subsection (c)(1) of this section be less than additive cost.

(d) Lower-priced or no-cost flights for users involved in research, etc., with Space Administration

The Administrator may set a price lower than the price determined under subsection (a) or (c) of this section, or provide no-cost flights, for any commercial or foreign user of the Space Transportation System who is involved in research, development or demonstration programs with the National Aeronautics and Space Administration.

(e) Customer incentives

Notwithstanding the provisions of subsection (a) of this section, the Administrator shall have the authority to offer reasonable customer incentives consistent with the policy goals in section 2466a of this title.

(Pub. L. 99–170, title II, § 204, Dec. 5, 1985, 99 Stat. 1017; Pub. L. 103–437, § 15(c)(5), Nov. 2, 1994, 108 Stat. 4592.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act of

1986, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

AMENDMENTS

1994—Subsecs. (b), (c)(1). Pub. L. 103–437 substituted ''Science, Space, and Technology'' for ''Science and Technology''.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE

Section applicable to flights of the Space Transportation System beginning on and after Oct. 1, 1988, see section 205 of Pub. L. 99–170, set out as a note under section 2466 of this title.

FEASIBILITY OF PROVIDING SPACE SHUTTLE LAUNCH SERVICES ON BASIS OF ROYALTY RECOVERY OVER ECONOMIC LIFE OF COMMERCIAL PRODUCTS PROCESSED IN SPACE

Section 112 of Pub. L. 99–170 provided that: ''The Administrator shall examine and report to the Congress on the feasibility of providing space shuttle launch services on a basis of royalty recovery over the economic life of commercial products produced or processed in space.''

STUDY ON PROPOSED PRICING POLICY FOR CERTAIN SERVICES

Section 113 of Pub. L. 99–170 provided that: ''The Administrator shall conduct a study and report to the Congress on a proposed pricing policy for certain services such as on-orbit service, repair or recovery of spacecraft.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2466a, 2466b of this title.

§ 2467. Science, Space, and Technology Education Trust Fund; annual report to Congress

There is appropriated, by transfer from funds appropriated in this Act for ''Construction of facilities'', the sum of $15,000,000 to the ''Science, Space, and Technology Education Trust Fund'' which is hereby established in the Treasury of the United States: *Provided*, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: *Provided further*, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: *Provided further*, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: *Provided further*, That of the funds made available by this Trust Fund, $250,000 shall be disbursed each calendar quarter hereafter to the Challenger Center for Space Science Education: *Provided further*, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph.

(Pub. L. 100–404, title II, Aug. 19, 1988, 102 Stat. 1028; Pub. L. 103–327, title III, Sept. 28, 1994, 108 Stat. 2328.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 100–404, Aug. 19, 1988, 102 Stat. 1014, known as the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

AMENDMENTS

1994—Pub. L. 103–327 substituted ''hereafter'' for ''for a ten-year period''.

§ 2467a. National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund

(a) Establishment

There is established in the Treasury of the United States, in tribute to the dedicated crew of the Space Shuttle Challenger, a trust fund to be known as the ''National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund'' (hereafter in this section referred to as the ''Trust Fund''). The Trust Fund shall consist of gifts and donations accepted by the National Aeronautics and Space Administration pursuant to section 2476b of this title, as well as other amounts which may from time to time, at the discretion of the Administrator, be transferred from the National Aeronautics and Space Administration Gifts and Donations Trust Fund.

(b) Investment of Trust Fund

The Administrator shall direct the Secretary of the Treasury to invest and reinvest funds in the Trust Fund in public debt securities with maturities suitable for the needs of the Trust Fund, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Interest earned shall be credited to the Trust Fund.

(c) Purpose

Income accruing from the Trust Fund principal shall be used to create the National Aeronautics and Space Administration Endeavor Teacher Fellowship Program, to the extent provided in advance in appropriation Acts. The Administrator is authorized to use such funds to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science, or

technology disciplines. Awards shall be made pursuant to standards established for the fellowship program by the Administrator.

(Pub. L. 102–195, § 20, Dec. 9, 1991, 105 Stat. 1615.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2467b. Requirements

(a) Competition

Making use of the existing infrastructure established in eligible States by the National Science Foundation, the Administrator shall conduct a merit grant competition among the eligible States in areas of research important to the mission of the National Aeronautics and Space Administration. With respect to a grant application by an eligible State, the Administrator shall consider—

(1) the application's merit and relevance to the mission of the National Aeronautics and Space Administration;

(2) the potential for the grant to serve as a catalyst to enhance the ability of researchers in the State to become more competitive for regular National Aeronautics and Space Administration funding;

(3) the potential for the grant to improve the environment for science, mathematics, and engineering education in the State; and

(4) the need to assure the maximum distribution of grants among eligible States, consistent with merit.

(b) Supplemental grants

The Administrator shall endeavor, where appropriate, to supplement grants made under subsection (a) of this section with such grants for fellowships, traineeships, equipment, or instrumentation as are available.

(c) "Eligible State" defined

In this section, the term "eligible State" means a State designated by the Administrator as eligible to compete in the Foundation's Experimental Program to Stimulate Competitive Research.

(Pub. L. 102–588, title III, § 304, Nov. 4, 1992, 106 Stat. 5120.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

CONGRESSIONAL FINDINGS AND POLICY

Sections 301 to 303 of title III of Pub. L. 102–588 provided that:

"SEC. 301. SHORT TITLE.

"This title [enacting this section and provisions set out as a note below] may be cited as the 'Experimental Program to Stimulate Competitive Research on Space and Aeronautics Act'.

"SEC. 302. FINDINGS.

"Congress finds that—

"(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

"(2) the National Aeronautics and Space Administration's space science and applications, aeronautical research and technology, and space research and technology programs will serve as the fulcrum for future initiatives by the United States in civil space and aviation;

"(3) colleges and universities in many States are currently not able to compete successfully for research grants awarded by the National Aeronautics and Space Administration through its space science and applications, aeronautical research and technology, and space research and technology programs;

"(4) balanced programs of space science and applications, aeronautical research and technology, and space research and technology should include initiatives designed to foster competitive research capacity in all geographic areas of the Nation; and

"(5) by strengthening the competitive research capacity in those geographic areas of the Nation which are not currently fully competitive, the education and training of scientists and engineers important to the future of the United States civil space and aviation programs will be fostered.

"SEC. 303. POLICY.

"It is the policy of the United States that—

"(1) the Administrator [of the National Aeronautics and Space Administration], in planning for national programs in space science and applications, aeronautical research, space flight, and exploration, should ensure the resilience of the space and aeronautics research infrastructure;

"(2) a stable and balanced program of space science and applications, aeronautical research and technology, and space research and technology should include programs to assure that geographic areas of the United States that currently do not successfully participate in competitive space and aeronautical research activities are enabled to become more competitive; and

"(3) programs to improve competitive capabilities should be a part of the research and the educational activities of the National Aeronautics and Space Administration."

AUTHORIZATION OF APPROPRIATIONS

Section 305 of Pub. L. 102–588 provided that: "In carrying out the programs listed in section 102(a) [106 Stat. 5108], the Administrator [of the National Aeronautics and Space Administration] should ensure that up to $10,000,000 from the appropriations authorized for 'Research and Development', for fiscal year 1993 are also used for purposes of establishing and developing an Experimental Program to Stimulate Competitive Research on Space and Aeronautics."

"ADMINISTRATOR" DEFINED

Administrator means Administrator of the National Aeronautics and Space Administration, see section 102(f) of Pub. L. 102–588, 106 Stat. 5110.

SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2451, 5503, 5504 of this title.

§ 2471. National Space Council

(a) Establishment; chairperson

Effective February 1, 1989, there is established in the Executive Office of the President the National Space Council, which shall be chaired by the Vice President.

(b) Report to Congress on composition and functions

By March 1, 1989, the President shall submit to the Congress a report that outlines the composition and functions of the National Space Council.

(c) Employment of personnel

The Council may employ a staff of not more than seven persons, which is to be headed by a civilian executive secretary, who shall be appointed by the President.

(Pub. L. 100–685, title V, § 501, Nov. 17, 1988, 102 Stat. 4102.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

PRIOR PROVISIONS

A prior section 2471, Pub. L. 85–568, title II, § 201, July 29, 1958, 72 Stat. 427; Pub. L. 87–26, § 1, Apr. 25, 1961, 75 Stat. 46; Pub. L. 87–367, title II, § 207, Oct. 4, 1961, 75 Stat. 792; Pub. L. 87–584, § 7, Aug. 14, 1962, 76 Stat. 385; Pub. L. 88–426, title III, §§ 305(13)(A), 306(c), Aug. 14, 1964, 78 Stat. 423, 428; Pub. L. 91–406, Sept. 23, 1970, 84 Stat. 855, which related to the establishment, membership, duties, and personnel of the National Aeronautics and Space Council, was omitted from the Code, because the Council, including the office of Executive Secretary of the Council, together with the functions of the Council, was abolished by section 3(a)(4) of Reorg. Plan No. 1 of 1973, 38 F.R. 9579, 87 Stat. 1089, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.

NATIONAL SPACE COUNCIL AUTHORIZATION

Provisions authorizing appropriations for specific fiscal years to carry out the National Space Council activities established by this section with limitation of $1,000 on amount available for official reception and representation expenses and requiring the National Space Council to reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it were contained in the following appropriation authorization acts:

Pub. L. 102–588, title II, § 212, Nov. 4, 1992, 106 Stat. 5115.

Pub. L. 102–195, § 14(a), Dec. 9, 1991, 105 Stat. 1613.

Pub. L. 101–611, title I, § 108(a), Nov. 16, 1990, 104 Stat. 3197.

Pub. L. 101–328, § 2, July 8, 1990, 104 Stat. 308.

STUDY ON INTERNATIONAL COOPERATION IN PLANETARY EXPLORATION

Pub. L. 101–611, title I, § 114, Nov. 16, 1990, 104 Stat. 3200, provided that:

''(a) FINDINGS.—The Congress finds that—

''(1) the President on July 20, 1989, established the long-range goal of establishing a lunar base, followed by manned exploration of Mars in the early twenty-first century;

''(2) the United States and the Soviet Union, in cooperation with other countries, are currently planning further unmanned missions to the Moon and to Mars with the possible goal of landing a human on Mars;

''(3) a series of international missions to expand human presence beyond Earth orbit would further a spirit of, and follow through on the commitment made in, the 1987 agreement between the Soviet Union and the United States for space cooperation, as well as the successful cooperative agreements the United States has pursued with over one hundred countries since its inception, including the agreement with Japan, Canada, and the European countries for Space Station Freedom;

''(4) international manned missions beyond Earth orbit could further encourage a cooperative approach in world affairs unrelated to activities in space;

''(5) international manned missions beyond Earth orbit could save the individual nations involved tens of billions of dollars over national missions; and

''(6) a multilateral effort for manned missions to establish a lunar colony, a Mars mission, and any other missions that have the goal of establishing human presence beyond Earth's orbit and possibly landing a human on Mars would lead to greater understanding of our universe and greater sensitivity to our own planet.

''(b) STUDY.—The National Space Council shall conduct a study on International Cooperation in Planetary Exploration (hereafter in this section referred to as the 'study').

''(c) PURPOSE OF STUDY.—The purpose of the study is—

''(1) to develop an inventory of technologies and intentions of all national space agencies with regard to lunar and planetary exploration, both manned and unmanned;

''(2) to seek ways, through direct communication with appropriate officials of other nations or otherwise, to enhance the planning and exchange of information and data among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

''(3) to prepare a detailed proposal that most efficiently uses the resources of the national space agencies in cooperative endeavors to establish human presence beyond Earth orbit;

''(4) to develop priority goals that accomplish unmet needs that could not be achieved by any individual country;

''(5) to explore the possibilities of international unmanned probes to the Moon and Mars, and the possibilities for international manned missions beyond Earth's orbit; and

''(6) to devise strategies for such cooperation that would prevent the unwanted transfer of technology.

In developing the inventory under paragraph (1), and in preparing the detailed proposal under paragraph (3), consideration shall be given to the potential contributions of commercial providers of space goods and services.

''(d) REPORT.—The National Space Council shall, within one year after the date of the enactment of this Act [Nov. 16, 1990], prepare and submit to Congress a report—

''(1) outlining a preliminary strategy for cooperation among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries, based on their respective national strengths, with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

''(2) including a conceptual design of a possible international manned mission, in coordination with the preliminary strategy referred to in paragraph (1), with target dates and a breakdown of responsibilities by nation;

''(3) containing an inventory of planned and anticipated missions, manned and unmanned, that are being considered by national space agencies and commercial providers of space goods and services; and

''(4) containing an inventory of space exploration technologies that either—

''(A) are not immediately available in the United States but are available from other nations; or

''(B) are available in the United States but are available from other nations in equal or superior form.''

STAFFING

Pub. L. 101–328, § 3(a), July 8, 1990, 104 Stat. 308, provided that: ''Not more than six individuals may be employed by the National Space Council without regard to any provision of law regulating the employment or compensation of persons in the Government service, at rates not to exceed the rate of pay for level VI of the Senior Executive Schedule as provided pursuant to section 5382 of title 5, United States Code.''

EXPERTS AND CONSULTANTS

Pub. L. 101–328, § 4, July 8, 1990, 104 Stat. 308, provided that: ''The National Space Council may, for purposes of carrying out its functions, employ experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate individuals so employed for each day they are involved in a business of the National Space Council (including traveltime) at rates not in excess of the daily equivalent of the maximum rate of pay for grade GS–18 as provided pursuant to section 5332 of title 5, United States Code.''

[References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.]

§ 2471a. Users' Advisory Group

(a) Establishment

(1) The National Space Council shall establish a Users' Advisory Group composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

(2) The Vice President shall name a chairman of the Users' Advisory Group.

(3) The National Space Council shall from time to time, but not less than once a year, meet with the Users' Advisory Group.

(4) The function of the Users' Advisory Group shall be to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council.

(5) The Users' Advisory Group may be assisted by personnel detailed to the National Space Council.

(b) Exemption

The Users' Advisory Group shall not be subject to section 14(a)(2) of the Federal Advisory Committee Act.

(Pub. L. 101–611, title I, § 121, Nov. 16, 1990, 104 Stat. 3204.)

REFERENCES IN TEXT

Section 14(a)(2) of the Federal Advisory Committee Act, referred to in subsec. (b), is section 14(a)(2) of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2472. National Aeronautics and Space Administration

(a) Establishment; appointment and duties of Administrator

There is established the National Aeronautics and Space Administration (hereinafter called the ''Administration''). The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

(b) Deputy Administrator; appointment and duties

There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

(c) Restriction on engaging in any other business, vocation, or employment

The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

(Pub. L. 85–568, title II, § 202, July 29, 1958, 72 Stat. 429; Pub. L. 88–426, title III, § 305(12), Aug. 14, 1964, 78 Stat. 423.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88–426, § 305(12)(A), repealed provisions which prescribed compensation of Administrator.

Subsec. (b). Pub. L. 88–426, § 305(12)(B), repealed provisions which prescribed compensation of Deputy Administrator.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Administrator of National Aeronautics and Space Administration, see Parts 1, 2, and 19 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of this title.

TERMINATION OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS; TRANSFER OF FUNCTIONS

Section 301(a) of Pub. L. 85–568 provided that: ''The National Advisory Committee for Aeronautics, on the effective date of this section [see note set out under section 2302 of Title 10, Armed Forces], shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.''

APPOINTMENT OF RETIRED MILITARY OFFICER AS ADMINISTRATOR

Pub. L. 101–48, June 30, 1989, 103 Stat. 136, provided: ''That notwithstanding the provisions of section 202(a)

of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2472(a)), or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Rear Admiral Richard Harrison Truly to the Office of Administrator of the National Aeronautics and Space Administration. Admiral Truly's appointment to, acceptance of, and service in that Office shall in no way affect the status, rank, and grade which he holds as an officer on the retired list of the United States Navy, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, except to the extent that subchapter IV of chapter 55 of title 5, United States Code, affects the amount of retired pay to which he is entitled by law during his service as Administrator. So long as he serves as Administrator, Admiral Truly shall receive the compensation of that Office at the rate which would be applicable if he were not an officer on the retired list of the United States Navy, shall retain the status, rank, and grade which he now holds as an officer on the retired list of the United States Navy, shall retain all emoluments, perquisites, rights, privileges, and benefits incident to or arising out of such status, office, rank, or grade, and shall in addition continue to receive the retired pay to which he is entitled by law, subject to the provisions of subchapter IV of chapter 55 of title 5, United States Code.

''SEC. 2. In the performance of his duties as Administrator of the National Aeronautics and Space Administration, Admiral Truly shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were not an officer on the retired list of the United States Navy.

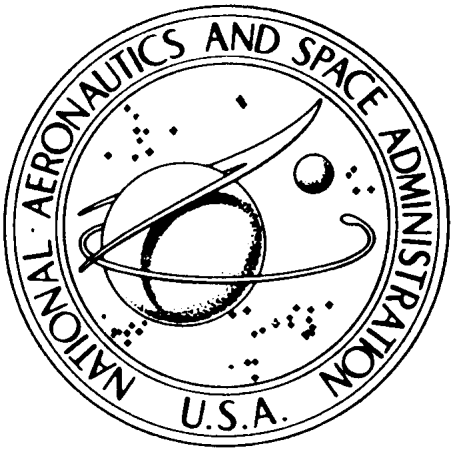
''SEC. 3. Nothing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Offices of Administrator and Deputy Administrator of the National Aeronautics and Space Administration.''

EX. ORD. NO. 10849. ESTABLISHMENT OF SEAL FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ex. Ord. No. 10849, Nov. 27, 1959, 24 F.R. 9559, as amended by Ex. Ord. No. 10942, May 19, 1961, 26 F.R. 4419, provided:

WHEREAS the Administrator of the National Aeronautics and Space Administration has caused to be made, and has recommended that I approve, a seal for the National Aeronautics and Space Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a disc of the blue sky strewn with white stars, to dexter a larger yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a horizontal white orbit, in sinister a small light-blue sphere; circumscribing the disc a white band edged gold inscribed ''National Aeronautics and Space Administration U.S.A.'' in red letters.



AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Aeronautics and Space Administration.

CROSS REFERENCES

Compensation of Administrator and Deputy Administrator, see sections 5313 and 5314, respectively, of Title 5, Government Organization and Employees.

§ 2473. Functions of Administration

(a) Planning, directing and conducting aeronautical and space activities; participation by scientific community; dissemination of information

The Administration, in order to carry out the purpose of this chapter, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations;

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof;

(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government.

(b) Research, development, etc., in ground propulsion technologies and solar heating and cooling technologies

(1) The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 2503 through 2509 of title 15.

(2) The Administration shall initiate, support, and carry out such research, development, dem-

onstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5503, 5504, and 5507 of this title.

(c) Powers of Administration in performance of its functions

In the performance of its functions the Administration is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint not more than four hundred and twenty-five of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the highest rate of grade 18 of the General Schedule, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly;

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to section 34 of title 40; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.]; and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3324(a) and (b) of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

(8) to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this chapter with related scientific and other activities being carried on by other public and private agencies and organizations;

(9) to obtain services as authorized by section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18;

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

(11) to provide by concession, without regard to section 303b of title 40, on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor

(with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this chapter to the same extent as that to which they might be lawfully assigned in the Department of Defense;

(13)(A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for $25,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of $25,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration.

(Pub. L. 85–568, title II, §203, July 29, 1958, 72 Stat. 429; Pub. L. 86–20, May 13, 1959, 73 Stat. 21; Pub. L. 86–481, §5, June 1, 1960, 74 Stat. 153; Pub. L. 87–367, title II, §206(a), Oct. 4, 1961, 75 Stat. 791; Pub. L. 87–584, §6, Aug. 14, 1962, 76 Stat. 384; Pub. L. 87–793, §1001(f), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88–426, title III, §306(d), Aug. 14, 1964, 78 Stat. 429; Pub. L. 88–448, title IV, §402(a)(34), Aug. 10, 1964, 78 Stat. 495; Pub. L. 91–646, title II, §220(a)(2), Jan. 2, 1971, 84 Stat. 1903; Pub. L. 93–74, §6, July 23, 1973, 87 Stat. 174; Pub. L. 93–316, §6, June 22, 1974, 88 Stat. 243; Pub. L. 93–409, §4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 94–413, §15(c), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95–401, §6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 96–48, §6(a), Aug. 8, 1979, 93 Stat. 348; Pub. L. 101–611, title I, §107, Nov. 16, 1990, 104 Stat. 3197.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c)(5), (8), (12), was in the original ''this Act'', meaning Pub. L. 85–568, July 29, 1958, 72 Stat. 426, as amended, known as the National Aeronautics and Space Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

The civil-service laws, referred to in subsec. (c)(2), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The General Schedule, referred to in subsec. (c)(2), is set out under section 5332 of Title 5.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (c)(3), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note under section 471 of Title 40 and Tables.

CODIFICATION

In subsec. (c)(2), ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949, as amended'' on authority of Pub. L. 89–554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In subsec. (c)(5), ''section 3324(a) and (b) of title 31'' substituted for ''section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)'' on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1990—Subsec. (a)(4), (5). Pub. L. 101–611 added pars. (4) and (5).

1979—Subsec. (c)(13). Pub. L. 96–48 substituted ''$25,000'' for ''$5,000''.

1978—Subsec. (b). Pub. L. 95–401 designated existing provisions as par. (1) and redesignated provisions set out in text as the second subsec. (c), relating to research, development, etc., in solar heating and cooling technologies, as par. (2).

Subsec. (c). Pub. L. 95–401 redesignated subsec. (c), relating to research, development, etc., in solar heating and cooling technologies, as subsec. (b)(2).

1976—Subsec. (b). Pub. L. 94–413 added subsec. (b). Former subsec. (b) was redesignated (c) and was set out in text as the second subsec. (c).

Subsec. (c). Pub. L. 94–413 redesignated former subsec. (b), relating to research, development, etc., in solar heating and cooling technologies, as (c) set out in text as the second subsec. (c).

1974—Subsec. (b). Pub. L. 93–409 added subsec. (b), and redesignated former subsec. (b) as (c) set out first.

Subsec. (b)(9). Pub. L. 93–316 substituted ''section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18'' for ''section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals''.

Subsec. (c). Pub. L. 93–409 redesignated former subsec. (b) as (c).

1973—Subsec. (b)(11). Pub. L. 93–74 added par. (11).

1971—Subsec. (b)(14). Pub. L. 91–646 repealed provisions of paragraph for Administration authorization for

reimbursement of owners and tenants of land and interests in land acquired on or after Nov. 1, 1961, by the United States for Administration use for expenses and damages incurred by such owners and tenants as result of moving themselves, their families, and their possessions because of said acquisition, limitation on amount, and time for submission of applications. See section 4601 et seq. of this title.

1964—Subsec. (b)(2). Pub. L. 88–426 struck out provisions from cl. (A) which permitted the Administrator to fix compensation at not more than $21,000 for a maximum of thirty positions and provisions which related to the filling of positions prior to Mar. 1, 1962, and July 1, 1962.

Subsec. (b)(11). Pub. L. 88–448 repealed former par. (11) which authorized the employment of retired commissioned officers.

1962—Subsec. (b). Pub. L. 87–793 substituted ''(at not to exceed the highest rate of grade 18 of the General Schedule, or for a maximum of thirty positions, not to exceed $21,000 a year) of'' for ''(up to a limit of $19,000 a year, or up to a limit of $21,000 a year for a maximum of thirty positions) of'', in par (2).

Subsec. (b)(14). Pub. L. 87–584 added par. (14).

1961—Subsec. (b)(2). Pub. L. 87–367 substituted ''thirty'' for ''thirteen'' and ''four hundred and twenty-five (of which not to exceed three hundred and fifty-five may be filled prior to March 1, 1962 and not to exceed three hundred and ninety may be filed prior to July 1, 1962)'' for ''two hundred and ninety''.

1960—Subsec. (b)(2). Pub. L. 86–481 substituted ''thirteen'' for ''ten'' and ''two hundred and ninety'' for ''two hundred and sixty''.

1959—Subsec. (b)(3). Pub. L. 86–20 authorized the Administration to acquire, by lease or otherwise, buildings or parts of buildings in the District of Columbia for a period of not more than 10 years.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–48 effective Oct. 1, 1979, see section 6(c) of Pub. L. 96–48, set out as an Effective Date note under section 2458b of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 91–646 effective Jan. 2, 1971, see section 221 of Pub. L. 91–646, set out as an Effective Date note under section 4601 of this title.

EFFECTIVE DATE OF 1964 AMENDMENTS

Amendment by Pub. L. 88–448 effective on first day of first month which begins later than the ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88–448.

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87–793.

SAVINGS PROVISION

Any rights or liabilities existing under provisions repealed by section 220(a) of Pub. L. 91–646 as not affected by such repeal, see section 220(b) of Pub. L. 91–646, set out as a note under section 4621 of this title.

OFFICE OF INSPECTOR GENERAL

Functions, powers, and duties of Management Audit Office and Office of Inspections and Security in National Aeronautics and Space Administration transferred to Office of Inspector General in National Aeronautics and Space Administration by section 9(a)(1)(L) of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

NASA MID-RANGE PROCUREMENT TEST PROGRAM

Pub. L. 103–355, title V, § 5062, Oct. 13, 1994, 108 Stat. 3356, provided that:

''(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration (in this section referred to as the 'Administrator') may conduct a test of alternative notice and publication requirements for procurements conducted by the National Aeronautics and Space Administration. To the extent consistent with this section, such program shall be conducted consistent with section 15 of the Office of Federal Procurement Policy Act (41 U.S.C. 413).

''(b) APPLICABILITY.—The test conducted under subsection (a) shall apply to acquisitions with an estimated annual total obligation of funds of $500,000 or less.

''(c) LIMITATION ON TOTAL COST.—The total estimated life-cycle cost to the Federal Government for the test conducted under subsection (a) may not exceed $100,000,000.

''(d) WAIVER OF PROCUREMENT REGULATIONS.—(1) In conducting the test under this section, the Administrator, with the approval of the Administrator for Federal Procurement Policy, may waive—

''(A) any provision of the Federal Acquisition Regulation that is not required by statute; and

''(B) any provision of the Federal Acquisition Regulation that is required by a provision of law described in paragraph (2), the waiver of which the Administrator determines in writing to be necessary to conduct the test.

''(2) The provisions of law referred to in paragraph (1) are as follows:

''(A) Subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637).

''(B) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

''(e) REPORT.—Not later than 6 months after completion of the test conducted under subsection (a), the Comptroller General shall submit to Congress a report for the test setting forth in detail the results of the test, including such recommendations as the Comptroller General considers appropriate.

''(f) EXPIRATION OF AUTHORITY.—The authority to conduct the test under subsection (a) and to award contracts under such test shall expire 4 years after the date of the enactment of this Act [Oct. 13, 1994]. Contracts entered into before such authority expires shall remain in effect, notwithstanding the expiration of the authority to conduct the test under this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the appropriation or obligation of funds for the test conducted pursuant to subsection (a).''

TRANSMISSION OF BUDGET ESTIMATES

Pub. L. 102–588, title II, § 210, Nov. 4, 1992, 106 Stat. 5115, provided that: ''The Administrator [of the National Aeronautics and Space Administration] shall, at the time of submission of the President's annual budget, transmit to the Congress—

''(1) a five-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

''(2) an estimate of the life-cycle costs associated with each such program.''

Similar provisions were contained in the following prior appropriation authorization act:

Pub. L. 102–195, § 11, Dec. 9, 1991, 105 Stat. 1612.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)]

of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

CROSS REFERENCES

Restriction on employment of civilians generally, see section 3101 note of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2453, 2454, 2458b, 2471 of this title; title 31 section 1304.

§ 2473a. Repealed. Pub. L. 96–470, title I, § 118(b), Oct. 19, 1980, 94 Stat. 2241

Section, Pub. L. 87–367, title II, § 206(b), Oct. 4, 1961, 75 Stat. 791, required Administrator of National Aeronautics and Space Administration to submit to Congress, not later than 45 days after close of each fiscal year, a report which sets forth, as of close of such fiscal year, the number of positions established, the name, compensation, and qualification of each incumbent, position or positions held in or outside Federal Government by each incumbent during the 5 years immediately preceding date of appointment, and such other information as required by Congress and authorized Administrator to omit any information deemed detrimental to national security, to inform Congress of such omission, and to supply all information concerning such matter at request of any Congressional committee.

§ 2473b. Award of prime and subcontracts to small businesses and disadvantaged individuals

The NASA Administrator shall annually establish a goal of at least 8 per centum of the total value of prime and subcontracts awarded in support of authorized programs, including the space station by the time operational status is obtained, which funds will be made available to small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 637(a)(5) and (6) of title 15), including Historically Black Colleges and Universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

To facilitate progress in reaching this goal, the NASA Administrator shall submit within one year from Nov. 9, 1989, a plan describing the process to be followed to achieve the prescribed level of participation in the shortest practicable time.

(Pub. L. 101–144, title III, Nov. 9, 1989, 103 Stat. 863.)

REFERENCES IN TEXT

The General Education Provisions Act, referred to in text, is title IV of Pub. L. 90–247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (§ 1221 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1221 of Title 20 and Tables.

CODIFICATION

Section was enacted as part of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2473c. Drug and alcohol testing

(a) Short title

This section may be cited as the ''Civil Space Employee Testing Act of 1991''.

(b) Findings

The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

(2) the success of the United States civil space program is contingent upon the safe and successful development and deployment of the many varied components of that program;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the positions affecting safety, security, and national security;

(4) the use of alcohol and illegal drugs has been demonstrated to adversely affect the performance of individuals, and has been proven to have been a critical factor in accidents in the workplace;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(c) Testing program

(1) The Administrator shall establish a program applicable to employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(2) The Administrator shall, in the interest of safety, security, and national security, prescribe regulations within 18 months after December 9, 1991. Such regulations shall establish a program which requires National Aeronautics and Space Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the

Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(3) In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(d) Prohibition on service

(1) No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall serve as a National Aeronautics and Space Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as a National Aeronautics and Space Administration contractor employee with such responsibility, unless such individual has completed a program of rehabilitation described in subsection (e) of this section.

(2) Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, who—

(A) engaged in such use while on duty;

(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (e) of this section;

(C) following such determination refuses to undertake such a rehabilitation program; or

(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties which such individual performed prior to the date of such determination.

(e) Program for rehabilitation

(1) The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (c) of this section in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available to all of its employees in addition to those employees referred to in subsection (c)(2) of this section. The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any National Aeronautics and Space Administration contractor from establishing a program under this subsection in cooperation with any other such contractor.

(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the National Aeronautics and Space Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(f) Procedures for testing

In establishing the programs required under subsection (c) of this section, the Administrator shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days

after being advised of the results of the initial confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information of employees; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(g) Effect on other laws and regulations

(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section.

(2) Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before December 9, 1991, that govern the use of alcohol and controlled substances by National Aeronautics and Space Administration employees with responsibility for safety-sensitive, security, and national security functions (as determined by the Administrator), or by National Aeronautics and Space Administration contractor employees with such responsibility.

(h) "Controlled substance" defined

For the purposes of this section, the term ''controlled substance'' means any substance under section 802(6) of title 21 specified by the Administrator.

(Pub. L. 102–195, § 21, Dec. 9, 1991, 105 Stat. 1616.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

§ 2473d. Use of abandoned and underutilized buildings, grounds, and facilities

(a) General rule

In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall investigate the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities and shall prioritize such uses where cost effective, as determined by the Administrator.

(b) "Depressed communities" defined

For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

(Pub. L. 102–588, title II, § 220, Nov. 4, 1992, 106 Stat. 5118.)

CODIFICATION

Section was enacted as part of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993, and not as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

''ADMINISTRATOR'' DEFINED

Administrator means Administrator of the National Aeronautics and Space Administration, see section 102(f) of Pub. L. 102–588, 106 Stat. 5110.

§ 2474. Omitted

CODIFICATION

Section, Pub. L. 85–568, title II, § 204, July 29, 1958, 72 Stat. 431; Pub. L. 88–426, title III, § 305(13)(B), Aug. 14, 1964, 78 Stat. 423; Pub. L. 88–448, title IV, § 401(g), Aug. 19, 1964, 78 Stat. 490, established Civilian-Military Liaison Committee, and was omitted from the Code because the Committee was abolished and its functions, together with the function of its chairman and other officers, transferred to President of the United States by sections 1(e) and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2475. International cooperation

The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this chapter, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

(Pub. L. 85–568, title II, § 205, July 29, 1958, 72 Stat. 432.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 85–568, July 29, 1958, 72 Stat. 426, as amended, known as the National Aeronautics and Space Act of 1958. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Oct. 10, 1995, 60 F.R. 53251, provided:

Memorandum for the Administrator of the National and Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to facilitate the efficient operations of the aeronautical and space programs of the National Aeronautics and Space Administration (NASA), it is hereby ordered as follows:

The authority conferred upon the President by the Constitution and the laws of the United States of America to executive mutual waivers of claims of liability on behalf of the United States for damages arising out of cooperative activities is hereby delegated to the Administrator of NASA for agreements with foreign governments and their agents regarding aeronautical, science, and space activities that are executed pursuant to the authority granted NASA by the National Aeronautics and Space Act of 1958, Public Law 85–568, as amended [42 U.S.C. 2451 et seq.]. All such agreements shall be subject to coordination with and the concurrence of the Department of State to the extent provided by applicable law, regulations, and procedures. All such waivers of liability entered into prior to the date of this memorandum are hereby ratified.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 2476. Reports to Congress

(a) Presidential report; transmittal

The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 2451(c)[1] of this title.

(b) Recommendations for additional legislation

Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 2451(c)[1] of this title.

(c) Classified information

No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President.

(Pub. L. 85–568, title II, § 206, July 29, 1958, 72 Stat. 432; Pub. L. 92–68, § 7, Aug. 6, 1971, 85 Stat. 177.)

REFERENCES IN TEXT

Section 2451(c) of this title, referred to in subsecs. (a) and (b), was redesignated section 2451(d) of this title by Pub. L. 98–361, title I, § 110(a)(2), July 16, 1984, 98 Stat. 426.

AMENDMENTS

1971—Subsec. (a). Pub. L. 92–68, § 7(1), (2), repealed provisions for submission of Administration reports to the President semiannually and at other times, and redesignated subsec. (b) as (a).

Subsecs. (b) to (d). Pub. L. 92–68, § 7(2), redesignated subsecs. (b), (c), and (d) as (a), (b), and (c), respectively.

§ 2476a. Disposal of excess land; approval by Congressional committees

Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science, Space, and Technology of the House of Representatives and the President and the Committee on Commerce, Science, and Transportation of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

[1] See References in Text note below.

(Pub. L. 85–568, title II, § 207, as added Pub. L. 93–74, § 7, July 23, 1973, 87 Stat. 175; amended Pub. L. 103–437, § 15(j), Nov. 2, 1994, 108 Stat. 4593.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Committee on Science, Space, and Technology'' for ''Committee on Science and Astronautics'' and ''Committee on Commerce, Science, and Transportation'' for ''Committee on Aeronautical and Space Sciences''.

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2476b. Donations for space shuttle orbiter

(a) Acceptance by Administrator and use

The Administrator may accept gifts and donations of services, money, and real, personal, tangible, and intangible property, and use such gifts and donations for the construction of a space shuttle orbiter.

(b) Termination of authority to accept; use of unneeded gifts and donations

(1) The authority of the Administrator to accept gifts or donations pursuant to subsection (a) of this section shall terminate five years after October 30, 1987.

(2) All gifts and donations accepted by the Administrator pursuant to subsection (a) of this section which are not needed for construction of a space shuttle orbiter shall be used by the Administrator for an appropriate purpose—

(A) in tribute to the dedicated crew of the space shuttle Challenger; and

(B) in furtherance of the exploration of space.

(c) Name of space shuttle orbiter

The name of a space shuttle orbiter constructed in whole or in part with gifts or donations whose acceptance and use are authorized by subsection (a) of this section shall be selected by the Administrator from among suggestions submitted by students in elementary and secondary schools.

(Pub. L. 85–568, title II, § 208, as added Pub. L. 100–147, title I, § 115, Oct. 30, 1987, 101 Stat. 866.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2467a of this title.

§ 2477. Aerospace Safety Advisory Panel; membership; appointment; term; powers and duties of Panel; Chairman; compensation, travel and other necessary expenses; NASA membership restriction

There is hereby established an Aerospace Safety Advisory Panel consisting of a maximum of nine members who shall be appointed by the Administrator for terms of six years each. The Panel shall review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing

safety standards and shall perform such other duties as the Administrator may request. One member shall be designated by the Panel as its Chairman. Members of the Panel who are officers or employees of the Federal Government shall receive no compensation for their services as such, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates and amounts prescribed in sections 5702, 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Panel, without regard to the provisions of subchapter I, chapter 57 of title 5, the Standardized Government Travel Regulations, or section 5731 of title 5. Members of the Panel appointed from outside the Federal Government shall each receive compensation at a rate not to exceed the per diem rate equivalent to the rate for GS–18 for each day such member is engaged in the actual performance of duties vested in the Panel in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing sentence. Not more than four such members shall be chosen from among the officers and employees of the National Aeronautics and Space Administration.

(Pub. L. 90–67, § 6, Aug. 21, 1967, 81 Stat. 170; Pub. L. 94–307, § 8, June 4, 1976, 90 Stat. 681; Pub. L. 99–234, title I, § 107(f), Jan. 2, 1986, 99 Stat. 1759.)

CODIFICATION

Section was not enacted as part of the National Aeronautics and Space Act of 1958 which is classified principally to this chapter.

AMENDMENTS

1986—Pub. L. 99–234 substituted ''rates and amounts'' for ''rates''.

1976—Pub. L. 94–307 substituted ''a rate not to exceed the per diem rate equivalent to the rate for GS–18'' for ''the rate of $100'' as daily rate of compensation for members of Panel appointed from outside Federal Government while engaged in actual performance of duties vested in Panel.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–234 effective (1) on the effective date of regulations to be promulgated not later than 150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99–234, set out as a note under section 5701 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY PANELS

Advisory panels in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a panel established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

SUBCHAPTER III—UPPER ATMOSPHERE RESEARCH

§ 2481. Congressional declaration of purpose and policy

(a) The purpose of this subchapter is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

(b) The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

(Pub. L. 85–568, title IV, § 401, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 222.)

§ 2482. "Upper atmosphere" defined

For the purpose of this subchapter the term ''upper atmosphere'' means that portion of the Earth's sensible atmosphere above the troposphere.

(Pub. L. 85–568, title IV, § 402, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 222.)

§ 2483. Program authorized

(a) In order to carry out the purposes of this subchapter the Administration in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

(b) In carrying out the provisions of this subchapter the Administration shall—

(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this subchapter; and

(3) make all results of the program authorized by this subchapter available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

(Pub. L. 85–568, title IV, § 403, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 222.)

§ 2484. International cooperation

In carrying out the provisions of this subchapter, the Administration, subject to the di-

rection of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.

(Pub. L. 85–568, title IV, § 404, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 223.)

CHAPTER 26A—NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

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§ 2486. Congressional statement of findings

The Congress finds that—

(1) the vitality of the Nation and the quality of life of the citizens of the Nation depend increasingly on the understanding, assessment, development, and utilization of space resources;

(2) research and development of space science, space technology, and space commercialization will contribute to the quality of life, national security, and the enhancement of commerce;

(3) the understanding and development of the space frontiers require a broad commitment and an intense involvement on the part of the Federal Government in partnership with State and local governments, private industry, universities, organizations, and individuals concerned with the exploration and utilization of space;

(4) the National Aeronautics and Space Administration, through the national space grant college and fellowship program, offers the most suitable means for such commitment and involvement through the promotion of activities that will result in greater understanding, assessment, development, and utilization; and

(5) Federal support of the establishment, development, and operation of programs and projects by space grant colleges, space grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.

(Pub. L. 100–147, title II, § 202, Oct. 30, 1987, 101 Stat. 869.)

SHORT TITLE

Section 201 of title II of Pub. L. 100–147 provided that: ''This title [enacting this chapter] may be cited as the 'National Space Grant College and Fellowship Act'.''

§ 2486a. Congressional statement of purposes

The purposes of this chapter are to—

(1) increase the understanding, assessment, development, and utilization of space resources by promoting a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques;

(2) utilize the abilities and talents of the universities of the Nation to support and contribute to the exploration and development of the resources and opportunities afforded by the space environment;

(3) encourage and support the existence of interdisciplinary and multidisciplinary programs of space research within the university community of the Nation, to engage in integrated activities of training, research and public service, to have cooperative programs with industry, and to be coordinated with the overall program of the National Aeronautics and Space Administration;

(4) encourage and support the existence of consortia, made up of university and industry members, to advance the exploration and development of space resources in cases in which national objectives can be better fulfilled than through the programs of single universities;

(5) encourage and support Federal funding for graduate fellowships in fields related to space; and

(6) support activities in colleges and universities generally for the purpose of creating and operating a network of institutional programs that will enhance achievements resulting from efforts under this chapter.

(Pub. L. 100–147, title II, § 203, Oct. 30, 101 Stat. 869.)